

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
2 IN AND FOR THE COUNTY OF KING
3
4

5 STATE OF WASHINGTON,)
6 Plaintiff,)
7 vs.) NO. 96-2-15056-8SEA
8 AMERICAN TOBACCO COMPANY,)
9 et al,)
10 Defendants.)

11 VIDEOTAPED DEPOSITION OF WILLIAM J. FRITZ
12
13

14
15 June 12, 1998
16 Seattle, Washington
17
18
19

20 BYERS & ANDERSON, INC.
21

22 COURT REPORTING & VIDEO

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EXAMINATION INDEX

EXAMINATION BY:

PAGE NO.

MR. LEEDOM

5

EXHIBIT INDEX

EXHIBIT NO.

DESCRIPTION

PAGE NO.

1236	1-page letter to President Clinton from William Fritz, dated 10/17/95. Bates No. JD 00000182	85
1237	58-page Philip Morris USA Corporate Affairs Department Issues Handbook, February 1995. Bates Nos. WA DTD 0001 to WA DTD 0058	103
1238	(This exhibit was marked sealed and confidential.)	131
1239	(This exhibit was marked sealed and confidential.)	144

TINY 0001300

3

William J. Fritz, 6/12/98 - Index

1 BE IT REMEMBERED that on Friday,
2 June 12, 1998, at 999 Third Avenue, Suite 2150,
3 Seattle, Washington, at 9:06 a.m., before
4 **KARMEN M. KNUDSON, CCR, RPR**, Notary Public in and
5 for the State of Washington, appeared WILLIAM J.
6 FRITZ, the witness herein;

7 WHEREUPON, the following
8 proceedings were had, to wit:

9
10 <<<<<< >>>>>>

11
12 THE VIDEOGRAPHER: Good morning.
13 We are now on the record. My name is Marina
14 Vallejo, videographer for Byers & Anderson Court
15 Reporters, based at 2208 North 30th, Suite 202,
16 Tacoma, Washington, 98403. Our telephone number
17 is 253-627-6401. Today is June 12th, 1998, and it
18 is now 9:06.

19 This is the videotaped deposition of
20 William J. Fritz, being taken in the case of State
21 of Washington versus American Tobacco, et al,
22 cause number 96-2-15056-8.

23 This deposition is being held at Bennett,
24 Bigelow & Leedom, 999 Third Avenue, Seattle,
25 Washington.

1 Will the attorneys please introduce themselves
2 for the record.

3 MR. LEEDOM: This is Bill
4 Leedom, representing the State of Washington, the
5 plaintiff.

6 MR. MURRAY: This is Jim Murray,
7 representing the Tobacco Institute in this lawsuit
8 and the witness at this deposition.

9 MR. BUTLER: Timothy Butler,
10 Heller Ehrman White & McAuliffe, representing
11 Philip Morris in this deposition.

12 MR. JACOBI: David Jacobi,
13 Wilson, Smith, Cochran & Dickerson, representing
14 Smokeless Tobacco Council.

15 THE VIDEOGRAPHER: The court
16 reporter today is Karmen Knudson.

17 You may swear in the witness and proceed at
18 this time.

19
20 WILLIAM J. FRITZ, having been first duly sworn
21 deposed and testified as
22 follows:

23 ////

24 ////

25 ////

1 A It's -- my full name is William J. Fritz,
2 F-R-I-T-Z.
3 Q What is your residence address?
4 A [DELETED]
5
6 Q You live on a boat?
7 A Floating home.
8 Q Okay. Houseboat?
9 A Yeah, we -- 1800 square feet on two levels is a
10 floating home.
11 Q What is your occupation?
12 A I'm a government relations consultant and
13 lobbyist.
14 Q What's a government relations consultant?
15 A A government relations consultant goes perhaps
16 beyond lobbying, in that -- for example, I was
17 under contract to the State of Washington for
18 several years to teach a course in how a bill
19 becomes a law and the legislative process. I have
20 done issue analysis outside of lobbying for
21 clients, that type of thing.
22 Q Okay. And how do you define a lobbyist?
23 A A lobbyist is a professional advocate for a
24 client, exercising that client's First Amendment
25 rights to petition their government.

TINY 0001304

7

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q Are there any rules of ethics or standards for
2 lobbyists?

3 A There are public disclosure laws, in terms of the
4 legal -- in the legal sense. Ethics and that type
5 of thing are pretty much a judgment call on the
6 part of the practitioners.

7 Q Meaning the lobbyists themselves have to decide
8 what's in bounds and what's out of bounds?

9 A Yes.

10 If I may just point out that the only stock
11 and trade that a lobbyist has is facts and truth,
12 and if they go beyond those bounds, they might as
13 well hang it up as a lobbyist because it will be
14 found out and their credibility is shot.

15 Q What's the duty of the lobbyist to ascertain the
16 facts of an issue that he is advocating on behalf
17 of a client?

18 A Their duty is to -- when you are advocating on
19 behalf of a client, is to tell the facts as you
20 know them on -- as you advocate the client's
21 position and be available to answer questions
22 about the clients' issue or interests, or about
23 the client themselves.

24 Q Does the lobbyist have a duty to explore an issue
25 and find out all of the relevant facts on that

TINY 0001305

8

William J. Fritz, 6/12/98 - by Mr. Leedom

1 issue?

2 A Well, most lobbyists who are professional will try
3 to know what the opposition is saying and will
4 also try to be -- ascertain all the facts that
5 they can use in advocating their client's
6 position.

7 Q I was more interested in whether or not the
8 lobbyist has a duty to find out facts that are
9 contrary to the positions advocated on behalf of a
10 client.

11 A Well, if I may repeat myself, a smart lobbyist
12 will try to determine what the opposition position
13 is and so they know what the other side is saying.

14 Q Then you mentioned the word "truth." The other
15 thing the lobbyist has to do is to tell the truth
16 to those he's lobbying, be they a legislator or a
17 legislative committee?

18 A Certainly.

19 Q And if a lobbyist determines that the truth is
20 something other than the position of his client,
21 what does he do?

22 A I think the lobbyist -- I, speaking for myself,
23 would consult with the client and say that, "I
24 cannot take that position on your behalf because I
25 value my credibility too much."

TINY 0001306

9

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q So if you found out something that wasn't true,
2 you would tell your client what you had found out
3 and simply not advocate that position?

4 A Yes.

5 Q All right. Let's go back to some basic
6 background.

7 How old are you, Mr. Fritz?

8 A I am 67.

9 Q Tell us about where you come from. Where were you
10 born and raised, where --

11 A I was born in Colorado Springs, Colorado. I grew
12 up there, left there in -- after I graduated from
13 Colorado College in 1955.

14 Q Did you serve in the military?

15 A I did, in United States Marine Corps during the
16 Korean conflict.

17 Q And how many years did you serve in the marine
18 corps?

19 A I was a marine corps reservist and called to
20 active duty, served on active duty for 18 months
21 and then was released to inactive duty and served
22 in the marine corps reserves for another six
23 years.

24 Q What was your degree in in 1955 from Colorado
25 College?

TINY 0001307

10

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A Business administration banking, with a minor in
2 speech and drama.

3 Q And what did you do after the Korean War, in terms
4 of work?

5 A I went back and finished college.

6 Q Oh, okay.

7 A I bellhopped at the Broadmore Hotel in Colorado
8 Springs and was working my way through college,
9 and after I got out of the service, I had the
10 Korean GI bill, and so I went back and finished.

11 Q Give us sort of a summary of your employment
12 history from 1955 to the present date.

13 A Okay. First year was with Firestone Tire and
14 Rubber Company as a management trainee in Memphis,
15 Tennessee, and then ultimately transferred to
16 Seattle. My second year of employment started
17 with the Boeing Company, 1956, and I was hired in
18 the industrial relations and management
19 development staff of the Boeing Company. And in
20 1959, I was asked to join the Boeing Company's
21 corporate public affairs staff as a government
22 relations representative and lobbyist.

23 So I started lobbying in 1959 for the Boeing
24 Company. I continued that course of employment
25 with Boeing until 1972, when I resigned to set up

TINY 0001308

11

William J. Fritz, 6/12/98 - by Mr. Leedom

1 my own contract lobbying firm. And that brings --
2 so I've had my own firm for 25 years.

3 Q What's the name of your firm?

4 A Public -- Public Affairs Associates, Inc.

5 Q What's the first time that you worked for a
6 tobacco company or tobacco interest or
7 tobacco-related interest?

8 A In anticipation of this question, I was trying to
9 go back in my memory, and I think it was in the
10 late '70s or early '80s. I would estimate that
11 perhaps that I was involved with tobacco issues
12 for about 15 years.

13 Q So that would take us from roughly 1980 until
14 1995, are you saying?

15 A Until November of last year.

16 Q Okay. November of 1997?

17 A Right.

18 Q Again, just in general, which tobacco interests or
19 companies did you work for?

20 A I was retained under contract by the Tobacco
21 Institute.

22 Q Okay. And when would that first have been,
23 approximately?

24 A 1979.

25 Q And did you enter into a written contract with the

TINY 0001309

12

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Tobacco Institute?

2 A Yes. Well, actually -- yeah, it was a contract; a
3 letter of agreement, if you will.

4 Q And do you have that still in your possession?

5 A No, sir.

6 Q What happened to it?

7 A In November of last year, the Tobacco Institute
8 decided not to renew our contract. And as is our
9 custom and our business practice in our firm,
10 which is small and operating out of a floating
11 home, we don't have a lot of file space, so when
12 we cease to represent a client, we purge our
13 files.

14 So the only thing that we were required to
15 retain were the public disclosure records for five
16 years, under that law, and the rest of our files
17 were disposed of, which is not -- which is a
18 practice, as I say, for other clients that would
19 have terminated us, as well.

20 Q All right. So you purged your files when,
21 exactly?

22 A Prior to January of this year. Between November
23 and January, in preparation for the 1998 session
24 of the legislature.

25 Q Did you know, at the time that you purged your

TINY 0001310

13

William J. Fritz, 6/12/98 - by Mr. Leedom

1 records, that your deposition had been requested?
2 A No. .
3 Q Did you know that your deposition had actually
4 been noticed, scheduled?
5 MR. MURRAY: Counsel, are you
6 representing it was, or you're asking him --
7 Q (By Mr. Leedom) In December of 1997.
8 A No.
9 Q Did you have any discussions, before you purged
10 any of those documents, with any attorney --
11 A No.
12 Q -- for anybody?
13 A No.
14 Q Other than Mr. Murray, who is here representing
15 you today on behalf of the Institute, do you have
16 counsel, legal counsel for your business?
17 A Depends on which aspect of the business, whether
18 it's corporate or whether it's for some personal
19 needs. We don't have one on retainer, but we have
20 legal counsel who we would call up if needed.
21 Q Before you purged your files of the
22 tobacco-related materials sometime between
23 November and January, did you consult with legal
24 counsel?
25 A No.

TINY 0001311

14

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q Do you have a written policy for destruction of
2 documents or purging of documents from your files?

3 A In a two-person office, no, sir.

4 Q It's not part of your articles of incorporation or
5 whatever articles you work under?

6 A No.

7 Q Are you incorporated in your business?

8 A Yes.

9 Q Tell me, Mr. Fritz, what records, documents if you
10 will, were in those files that were purged in --
11 between November of '97 and January of '98?

12 A There was -- there were tax reports put out by TI
13 that are done quarterly on the 50 states, there
14 were some economic impact studies done by TI's
15 economist on elasticity and inelasticity of
16 cigarette taxes, there were some brochures that --
17 I don't even recall what they were about, they
18 were so outdated. It was just a matter of tossing
19 them. And I think that's about it.

20 Q Were there any notes for meetings you had attended
21 that were sponsored by the Tobacco Institute?

22 A Notes, not really notes. Every year the Tobacco
23 Institute would bring their lobbyists back to DC
24 or to some other location for a briefing on
25 issues, and they would give us a little -- about a

TINY 0001312

15

William J. Fritz, 6/12/98 - by Mr. Leedom

1 dossier of -- dealing with those subjects that
2 were discussed at the TI meetings.

3 Q Those were held in Washington, D.C.?

4 A They have been. They've also been held in other
5 nice spots like Arizona.

6 Q And would the Institute basically bring together
7 its lobbyists from around the country?

8 A Yes, sir.

9 Q And this would be done once a year?

10 A Yes, sir.

11 Q And then would lawyers for the Institute make
12 presentations at the meeting?

13 MR. MURRAY: You can answer that
14 "yes" or "no," Mr. Fritz.

15 A Yes.

16 Q (By Mr. Leedom) And were there also non-lawyers
17 making presentations at the meeting?

18 A Yes.

19 Q And they would hand out some sort of materials,
20 brochures, informational information concerning
21 the issues before the industry at that time?

22 A Yes.

23 Q And you had those types of notes and materials in
24 your records and files prior to their purging in
25 November of -- and through January of '98?

TINY 0001313

16

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A Not for every year. I only kept the material that
2 was pertinent to what was going on in this state
3 or that was going to be useful to me.

4 Q Did you have any public relations handbooks that
5 had been produced by any of the individual tobacco
6 companies?

7 A Public relations-wise, no.

8 Q Handbooks that would set forth the position of a
9 company on particular issues related to smoking
10 and health?

11 A Not that I recall.

12 Q Anything else that you do recall were in these
13 files?

14 A I think we had samples of the industry's voluntary
15 program to discourage youth from smoking, the "we
16 card" program. I think I had some -- a couple of
17 those brochures and a sample of the poster that
18 they would distribute to retailers. And this was
19 a program that they were very interested in and it
20 was an ongoing program, so I -- I had some of that
21 in there.

22 Q Now, in terms of your relationship with the
23 Tobacco Institute, did you have a contract that
24 you renewed basically each year from 1979,
25 roughly, until the fall of 1997?

TINY 0001314

17

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A Yes, sir.

2 Q Was it the same basic language of the contract, or
3 did it change?

4 A It was basically the same.

5 Q What were you paid by the Institute for the years
6 1979 through 1997?

7 A Not enough. I would say, to be -- not to be
8 smart, but I -- I retained -- at one point I was
9 at \$52,000 and then they reduced that to \$50,000,
10 and that was the last -- amount of my last year.

11 Q And you're talking about \$50,000, roughly, per
12 year?

13 A Yes, inclusive.

14 Q And were there any other monies that were paid to
15 you by the Institute, such as for expenses?

16 A Yes, for these trips that they required us to --
17 these lobbyist meetings that I mentioned, we were
18 reimbursed actual expenses for that.

19 Q During this time frame, did you work for any other
20 tobacco companies or tobacco-related --

21 A No.

22 Q -- industries?

23 A No.

24 Q Let's talk about the Institute for a minute.

25 Back when you started in 1979, did any of the

TINY 0001315

18

William J. Fritz, 6/12/98 - by Mr. Leedom

1 individual companies have lobbyists in the state
2 of Washington, such as they have had in the more
3 recent years?

4 A Yes.

5 Q Which ones?

6 A RJ Reynolds Tobacco, and I'm not sure of the
7 timing so I have to preface this with -- Philip
8 Morris had their own lobbyist, but I'm not sure
9 that it coincided with the 1979 date. But that
10 has been pretty much the pattern.

11 Q Are you saying that RJ Reynolds had a lobbyist
12 back in 1979 --

13 A Uh-huh. (Witness answers positively.)

14 Q -- individually representing that company?

15 A Uh-huh. (Witness answers positively.)

16 Q But you don't know whether or not Philip Morris
17 did?

18 A I can't recall, to be -- to be honest with you.

19 Q Did you get together with the lobbyists for the
20 individual companies to discuss strategy for the
21 upcoming legislative sessions?

22 A Yes, it was part of my job.

23 Q As a general proposition during this period of
24 time, how did you determine what the position of
25 the company was that -- the Institute was that you

TINY 0001316

19

William J. Fritz, 6/12/98 - by Mr. Leedom

1 were supposed to advocate at the legislature?

2 A Basically my job, and the job of those company
3 lobbyists, was usually defensive lobbying. Very
4 rarely did the industry take the proactive
5 position to advocate the passage of legislation.

6 The industry was under -- was constantly under
7 attack, so to speak, from taxes, environmental
8 tobacco smoke, and things like that. So our
9 strategy was pretty much determined by what we had
10 to defend against.

11 Q So in terms of the issue of taxes, you're talking
12 about the proposed increases in excise taxes on
13 tobacco products?

14 A State excise taxes, yes.

15 Q State excise taxes. And what position did you
16 take on behalf of the industry with respect to the
17 proposed increases in state excise taxes?

18 A We opposed them.

19 Q And why were they opposed?

20 A They were opposed for a number of reasons, but
21 basically because there was a fairness issue of --
22 for example, cleaning up Puget Sound at eight
23 cents a pack tax proposed for that, where -- why
24 should it be just smokers that pay to clean up
25 Puget Sound.

TINY 0001317

20

William J. Fritz, 6/12/98 - by Mr. Leedom

1 They were opposed also because of the -- when
2 we got into other issues, like the war on drugs or
3 the Basic Health Care Plan, we were reaching a
4 point of diminishing return in the sense of the
5 inelasticity of tobacco taxes.

6 So one of the jobs that I had was to try to
7 demonstrate to legislators that the higher the
8 taxes went, the less -- the revenue would fall off
9 for the programs that were near and dear to their
10 hearts, such as the war on drugs or the Basic
11 Health Care Plan.

12 Q Were you told by the Institute that if there was
13 an increase in the excise tax, that sales would
14 go down because fewer people would buy the
15 higher-price product?

16 A We weren't -- not specifically about sales.
17 It was basically the economics of showing
18 statistically what has happened as the taxes went
19 up, and obviously if sales go down, then the tax
20 revenue goes down.

21 There was not a -- I have to say in this
22 state, there was a great concern about increased
23 smuggling from -- as the taxes went up, with some
24 27 sovereign Indian nations in this state and many
25 military bases, that was constantly a problem for

TINY 0001318

21

William J. Fritz, 6/12/98 - by Mr. Leedom

1 legitimate retailers. And we tried to point that
2 out, too.

3 Q Back to my question about sales. It sounds like
4 you are agreeing that if the taxes went up, the
5 sales of the tobacco products would go down --

6 MR. MURRAY: Object -- wait.

7 Q (By Mr. Leedom) -- thereby resulting in less
8 revenue to the state?

9 MR. MURRAY: Objection to form.

10 You can answer.

11 Q (By Mr. Leedom) Isn't that what you said?

12 A I would say legitimate sales; taxable sales would
13 go down.

14 Q And since taxable sales would go down, the taxable
15 sales -- the taxes from that would be less to the
16 State, and that was your argument?

17 MR. MURRAY: Objection to form.

18 Mr. Fritz, when I object to form, you can just
19 answer. I just need time to say it. Go ahead.

20 A Yes.

21 Q (By Mr. Leedom) Now, wouldn't it be true that the
22 Tobacco Institute, your client, was interested in
23 keeping sales at a high level --

24 MR. MURRAY: Objection to --

25 Q (By Mr. Leedom) -- for purposes of its economic

TINY 0001319

22

William J. Fritz, 6/12/98 - by Mr. Leedom

1 interests and the interests of those who are the
2 members of the Tobacco Institute?

3 MR. MURRAY: Objection to form.

4 A The Tobacco Institute was not concerned about
5 sales. It was -- it's an association of the
6 manufacturers.

7 I think the companies probably were concerned
8 about sales. This was never funneled into the
9 Tobacco Institute.

10 Q (By Mr. Leedom) Well, let's talk about the
11 Institute for a minute.

12 Do you know when the Tobacco Institute was
13 formed?

14 A I have no idea.

15 Q Do you know what the name of the predecessor
16 company was?

17 A No.

18 Q Do you know why the Tobacco Institute was formed?

19 A No, I was never told specifically why. It's a
20 trade association.

21 Q Did you know it was formed in 1954?

22 A No.

23 Q Did you ever hear that it was formed as a result
24 of the issue of the relationship between cancer
25 and smoking and the concern of the industry about

TINY 0001320

23

William J. Fritz, 6/12/98 - by Mr. Leedom

1 that?

2 A No.

3 Q Never heard that?

4 A No.

5 Q Who were the members of the Tobacco Institute?

6 A The cigarette manufacturers, the companies that
7 manufacture cigarettes.

8 Q And how many principal companies are there?

9 A I only know of the dominant ones. I have no idea
10 how many other. But, you know, the obvious ones
11 I'm aware of: Philip Morris, RJR, Brown and
12 Williamson, Lorillard.

13 Q Liggett?

14 A Liggett.

15 Q American?

16 There is six, weren't there?

17 MR. MURRAY: Objection to form.

18 A That -- I was never assigned to know that. I
19 mean --

20 Q (By Mr. Leedom) Well, I guess I'm trying to find
21 out -- you worked for these companies for 25
22 years, for the Tobacco Institute. I'm wondering,
23 did you ever find out who the members of the
24 Tobacco Institute were?

25 MR. MURRAY: Objection to form,

TINY 0001321

24

William J. Fritz, 6/12/98 - by Mr. Leedom

1 asked and answered.

2 A I was aware of it, but again, I didn't memorize
3 who the members were because all of my instruction
4 and direction and policy came from the Institute.

5 Q (By Mr. Leedom) Okay. But you knew at some point
6 that the Tobacco Institute was a trade
7 organization, representing the members or
8 manufacturers in the tobacco industry?

9 A Yes.

10 Q Okay. And those are primarily the companies you
11 just mentioned, correct?

12 A Yes.

13 Q And did you know who sat on the board of directors
14 of the Tobacco Institute?

15 A No.

16 Q Did you know who set the policies for the Tobacco
17 Institute?

18 A No.

19 Q Did you know -- or do you believe that the
20 policies of the Tobacco Institute were those that
21 were developed and described by the members of the
22 industry?

23 A I think it would be natural to assume that. I
24 represent several other trade associations, and
25 that's the normal procedure.

TINY 0001322

25

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q So back to this question about sales.

2 A Uh-huh. (Witness answers positively.)

3 Q Didn't you understand that if sales -- taxes,
4 excise taxes went up, that would then necessarily
5 reduce sales of cigarettes in the state of
6 Washington that would be taxed by the State?

7 MR. MURRAY: Objection to form.

8 A Yes. Yes, but not necessarily smoking.

9 Q (By Mr. Leedom) All right. Now, let's go to the
10 next point you made: Smuggling. I heard you
11 mention smuggling.

12 Did you ever perform a study to determine what
13 the impact would be if, for example, the price of
14 cigarettes went up by a certain number of cents
15 due to an increase in the state excise tax?

16 A I have never done that study, but there have been
17 studies done on that.

18 Q Have you ever seen such a study?

19 A Not for this state.

20 Q Have you seen one for another state?

21 A Yes.

22 Q Did you see one for Michigan?

23 A Midwest.

24 Q Now, who prepared that study?

25 A The Tobacco Institute, I believe their economist.

TINY 0001323

26

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q So have you ever seen a study that shows an
2 increase in smuggling in the state of Washington
3 if the sales tax -- or excise tax on cigarettes
4 was increased?

5 A I'll try to answer that.

6 I have seen a study that was conducted by the
7 Organized Crime Committee for the Washington State
8 Patrol, who was -- whose assignment was to
9 determine the extent of smuggling in the state and
10 untaxed sales. I saw that report, and obviously
11 it had to be related to the -- to the tax, and
12 there was reference to that in the report. But it
13 was the Organized Crime Unit of the Washington
14 State Patrol that was -- that conducted that
15 study.

16 Q When was that study done you were alluding to?

17 A About three years ago.

18 Q Did you tell any legislators that you thought that
19 an increase in the excise tax on cigarettes was
20 going to result in increased smuggling and sales
21 by Indian tribes? Did you ever tell any
22 legislator that?

23 A Yes.

24 Q Do you recall who you told that to?

25 A Committees.

TINY 0001324

27

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q Which committees?
2 A It was either commerce -- commerce committees and
3 the revenue committees.
4 Q Did you actually make a presentation yourself, or
5 did you talk to the committee members individually
6 outside the official committee hearings?
7 A Both.
8 Q And when did you do this?
9 A I probably started with that during the big debate
10 and the hearings on the war on drugs.
11 Q What year was that?
12 A I don't recall. It was during -- which governor?
13 I think it was Governor Gardner. And this was
14 pretty much a standard presentation on the
15 inelasticity, and particularly in this state when
16 they were -- there were so many other outlets for
17 the purchase of lower-cost tobacco products.
18 Q Now, at the time you were making these
19 presentations to these committees in the Gardner
20 administration, did you have any study or any
21 information to support what you were saying?
22 A We had the statistical data done -- as I
23 mentioned, the state tax reports -- and we had it
24 for the state of Washington and it was easy to
25 show trend lines that correlated to tax increases.

TINY 0001325

28

William J. Fritz, 6/12/98 - by Mr. Leedom

1 We had news clips, if you will, from Department of
2 Revenue raids and state patrol raids on truckloads
3 of smuggled cigarettes, or contraband cigarettes
4 coming across the border, into the state.

5 There was significant evidence that the state
6 was primed, because it had the highest cigarette
7 tax in the nation, for smuggling and contraband
8 sales.

9 Q But my question was: Was there any study that you
10 had concerning the issue of smuggling that you
11 presented to the commerce committee or the revenue
12 committee back in the Gardner administration?

13 MR. MURRAY: Counsel, in
14 fairness to your question, it was any study or
15 information. I object to the form.

16 MR. LEEDOM: Okay.

17 A I reflect back to what I said earlier; we had seen
18 actual studies of what happened in the midwest
19 between Indiana, Michigan, Illinois. We also were
20 privy to the Canadian situation where the Canadian
21 \$6.00-a-pack tax generated tremendous smuggling
22 and crime, which was documented on national
23 television.

24 Q (By Mr. Leedom) Okay. Now, let's go back to a
25 more general question.

TINY 0001326

29

William J. Fritz, 6/12/98 - by Mr. Leedom

1 When you would lobby on behalf of the Tobacco
2 Institute --

3 A Uh-huh. (Witness answers positively.)

4 Q -- on a particular issue, be it taxes, youth
5 access, or fees charged to store operators, who
6 would you go and talk to? Who would you lobby?

7 A May I ask you what you mean by "fees"?

8 Q The fees, for example, when there was a proposed
9 bill to impose a \$500 fee on people that owned
10 stores that sold cigarette products. Do you
11 remember that particular bill?

12 A I wasn't involved in it.

13 Q Okay. You've been involved in limitation on youth
14 access bills?

15 A Yes.

16 Q And you've been involved in tax bills?

17 A Yes.

18 Q Just take those.

19 A Sure.

20 Q Who would you go and advocate to on behalf of the
21 Tobacco Institute?

22 A Standard operating procedure for tobacco or any
23 other of my clients is to talk to committee chairs
24 and the members of the standing committee to which
25 those bills are referred, hopefully leadership

TINY 0001327

30

William J. Fritz, 6/12/98 - by Mr. Leedom

1 on -- in both parties, if you can get into -- if
2 you can get an appointment. And so there is
3 committee testimony and there is one-on-one
4 discussions.

5 Q And when you say "leadership," who would you be
6 referring to?

7 A In each house, there is, for example, the speaker
8 of the house and there is the minority leader,
9 there is the caucus chairs, and then I mentioned
10 earlier the committee chairs of four, the
11 committees that are germane to that issue. And in
12 the senate, you have the senate majority leader,
13 senate minority leader, caucus chairs. That's
14 what I mean by "leadership."

15 Q Okay. And you said there are four committees.
16 What would be the four committees? You mentioned
17 commerce and revenue before, but what are the
18 other two?

19 A Two in each house.

20 Q Oh, two in each house, senate and house
21 commerce --

22 A Yes. Those are principally -- occasionally there
23 were bills before the health house -- health care
24 committee, and that's Basic Health, obviously
25 Basic Health Plan for the state. So there would

TINY 0001328

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 be really -- that will be a key committee in that
2 area, and there would be a health committee in the
3 senate and in the house.

4 Q Now, if we went back and looked at who would be
5 the committee chairs for those two committees,
6 house and senate, then who would be in these
7 leadership positions for the 25 years that you
8 worked for the Tobacco Institute, we would be able
9 to identify probably all of the individuals in
10 those categories that you did speak to in that
11 25-year period; is that correct?

12 A Yes.

13 Q Probably nobody was left out in that 25-year
14 period?

15 A I don't understand that.

16 Q Well, there probably wasn't a house speaker or
17 committee chair that you didn't talk to in that
18 25-year period on a tobacco issue; would that be
19 fair?

20 A There were some who wouldn't talk to me.

21 Q Who wouldn't talk to you?

22 A The chair of the Senate Health Care Committee, for
23 example, who was not interested in our point of
24 view.

25 Q Who was that?

TINY 0001329

32

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A I believe it was Senator Phil Talmadge.

2 Q And why did former-senator, now-Justice Talmadge,
3 not want to talk to you?

4 A I think he was -- had his mind made up and felt
5 that anything that we had to say wouldn't be of
6 value to a predisposition.

7 Q Anybody else that you can recall specifically in
8 one of these leadership positions or committee
9 chair positions or committee member positions that
10 just wouldn't talk to you in that 25-year period?

11 A I can -- I can't remember whether Dr. Moyer was --
12 he was never a committee chair because the
13 republicans were in the minority in those years,
14 but there was certain legislators who were
15 obviously identified as being so anti-tobacco that
16 you couldn't even talk to them.

17 Q Dr. Moyer is Dr. John Moyer from Spokane?

18 A Correct.

19 Q And he is a state senator?

20 A He was.

21 Q Was a state senator?

22 A Uh-huh. (Witness answers positively.)

23 Q Anybody else that you can specifically name who
24 just wouldn't talk to you because the point of
25 view you were advocating?

TINY 0001330

33

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A Yes.

2 Q Who else?

3 A Representative Georgette Valle, democrat, house
4 member.

5 Q Anyone else?

6 A Up through the current time or --

7 Q Up until you quit doing the work.

8 A Senator Bob Oke from Kitsap County.

9 Q Anyone else?

10 A I can't think of any. Those are the ones that are
11 most prominent in my mind.

12 Q And was there a common theme, a reason why these
13 individuals would not speak to you?

14 A They were anti-tobacco.

15 Q When you say "anti-tobacco," what do you mean?

16 A There was no redeeming value in the product or the
17 industry, in their minds.

18 Oh, I can add one other I just thought of.
19 Senator West, Jim West, from Spokane.

20 Q Now, let's look at the other side of the equation,
21 those that were, shall we say, receptive and most
22 receptive to listening to the point of view you
23 were advocating on behalf of the Tobacco
24 Institute. Who would those people be?

25 A Most legislators will afford a lobbyist, whether

TINY 0001331

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 they -- no matter who they're lobbying for, the
2 courtesy, if they can work them into their
3 schedule, of listening to what that lobbyist has
4 to say. I say "most." And, indeed, if you talk
5 to a legislator, they'll point out that they form
6 their opinions by listening to lobbyists on both
7 sides.

8 And so you might have more or less time given
9 to you, you know, with certain legislators,
10 depending on the circumstances. But the majority
11 of them do try to listen to both sides.

12 Q And again, just so we're clear, when you say the
13 majority of them, are you referring to those
14 committee chairs, committee members of these two
15 committees and the leadership people?

16 A Yes.

17 Q All right. Would there be a group of legislators,
18 house and senate members, that you simply wouldn't
19 talk to because they're not in the -- in the area
20 or on the committees that are of interest to you?

21 A No. As -- as a bill progresses through the
22 process, through the legislative process, it is a
23 majority rule game. And so, again, going back to
24 my seminar that I ran for state management --
25 state managers, you use a pyramid approach where

TINY 0001332

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 you start up here with the leadership and the
2 committee chairs, and so on, and you work your way
3 down to the last -- last row of freshmen
4 legislators, because they all have a vote. But
5 you're limited by your time and your ability to
6 get appointments to talk to those people.

7 Q All right. But over a 25-year period, then, you
8 probably talked to most of the legislators about
9 your positions you were advocating, other than the
10 few that you've identified that just wouldn't talk
11 to you?

12 A I was so labeled as Mr. Tobacco for all those
13 years, that then -- there were very few new issues
14 that I -- I did not have to go through this
15 process year after year after year. They pretty
16 much would know where -- where my client was
17 coming from.

18 And -- but I think it's safe to say that over
19 25 years, I have talked to most legislators and
20 made attempts to talk to those that I've
21 identified.

22 Q Back to my earlier question: Were there any
23 particular legislators who you could count on to
24 advocate, at a committee or on the floor, the
25 tobacco position?

TINY 0001333

36

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A No. There were some legislators who smoked, and
2 irregardless of what I would say to them or what
3 information I'd provide to them, they were
4 defensive of their own personal habits, I think
5 particularly Representative P.J. Gallagher, who is
6 now deceased, a democrat from Tacoma, who smoked
7 in committee hearings, who smoked on the floor of
8 the house. And, of course, as you would know,
9 this is not allowed anymore.

10 There was Senator Peterson, Lowell Peterson,
11 who smoked at will. So I guess I can only answer
12 your question by saying that a lot of -- most of
13 the legislators would hear both sides and -- on an
14 issue and make up their minds, the difference
15 being the access, the ability of -- of the various
16 lobbyists on either side to present their case and
17 to have credibility with those legislators.

18 Q So, Mr. Fritz, are you telling me that there were
19 no individual legislators in that 25-year period
20 who you could go to with the position of the
21 Institute and the industry, who would willingly
22 advocate that position in a committee or on the
23 floor?

24 MR. MURRAY: I'm going to object
25 to the form, just on the record. We've gone from

TINY 0001334

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 the 15 years to 25 years for the industry, and I
2 think your earlier testimony was a shorter period.

3 THE WITNESS: Yeah.

4 MR. LEEDOM: Is that your
5 objection, because I can --

6 MR. MURRAY: Yes, that's my only
7 objection.

8 Q (By Mr. Leedom) You said 25 years earlier, and
9 maybe I didn't catch it right. '79 --

10 A I had my own business for 25 years.

11 Q That's right.

12 '79 until '97, would actually be 18 years.

13 A Uh-huh. (Witness answers positively.)

14 Q So can we just agree on 18 years?

15 A That's fine.

16 Q And then I'll correct the record --

17 A That's fine.

18 Q -- earlier. I don't want to have anything
19 incorrect here.

20 So during that 18-year period when you were
21 the lobbyist for the tobacco industry and were
22 known as Mr. Tobacco, was there -- were there any
23 particular legislators that you could count on to
24 sort of carry the position of the tobacco industry
25 in a committee or on the floor?

TINY 0001335

36

William J. Fritz, 6/12/98 - by Mr. Leedom

1 MR. MURRAY: Objection to form.

2 A My response would be there were legislators --
3 again, I mentioned some -- who smoked, some who
4 were defensive of that proclivity, who often would
5 seek me out to say, "Here's what they're saying
6 about this issue. How should I respond to that?"
7 Okay? So that's one of the jobs of a lobbyist, is
8 provide information, arguments if you will, to
9 legislators upon request.

10 There was no one, not one legislator, that I
11 could say, "Well, we don't have to talk to this
12 legislator because he is definitely on our side."
13 We always counted votes. And some of the
14 legislators who were sympathetic were easier to
15 talk to, obviously. They were easy to get
16 appointments with, obviously.

17 There are some that wouldn't talk to you or
18 they'd say, "Hey, I don't -- I don't believe in
19 smoking and you're wasting your time with me."
20 And they weren't necessarily anti-tobacco; they
21 just didn't want to hear us.

22 Q (By Mr. Leedom) And you told me the ones that
23 were the ones that wouldn't listen because they
24 were anti, and you've given me a couple of names
25 who were smokers, who maybe, I gather, you're

TINY 0001336

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 saying were receptive to your arguments, or sought
2 you out for positions.

3 Can you name any others?

4 A That were smokers?

5 Q Well, others that were receptive to your
6 positions, who would listen to what you said, who
7 would seek you out.

8 A Senator Bill Smitherman now, who is no longer in
9 the senate, a democrat from Tacoma, Senator Frank
10 Warnke, who was chair of the Senate Commerce and
11 Labor Committee.

12 I'm not sure if this fits within this time
13 frame, though, that I'm naming these people,
14 within your time -- the window of your time. But
15 again, it was just a human tendency, I think, for
16 the legislators who did smoke to be more friendly
17 on our issues than those who didn't smoke.

18 Q And you mentioned Peterson was one and Gallagher
19 was another one?

20 A Uh-huh. (Witness answers positively.) Smitherman,
21 Warnke.

22 Q Why were you known as Mr. Tobacco?

23 MR. MURRAY: Objection to form.

24 Go ahead.

25 A I was labeled that by the antis, or the

TINY 0001337

40

William J. Fritz, 6/12/98 - by Mr. Leedom

1 anti-tobacco forces, among other things:

2 Dr. Death, peddler of cancer.

3 That's why, when you asked me how much my fee
4 was earlier, I said "not enough," because I took a
5 lot of grief over representing this client.

6 Q (By Mr. Leedom) I was going to come back to the
7 "not enough" statement. Explain that to me.

8 A Well, in terms of the -- the grief and the -- and
9 the criticism, no one likes to be called a peddler
10 of cancer. There was a lot of attention focused
11 by the media; "Tobacco Lobbyist Has King Size
12 Reputation" was one headline, showing me talking
13 to Governor Lowrey, you know, that type of thing.

14 And then we had, from the anti side, a fellow
15 called Dr. Butts, who would dress himself in a
16 silly cigarette costume and show up at committee
17 hearings and accuse the industry and myself
18 personally, make personal attacks.

19 We also know that in our business, which is,
20 again, contract lobbying, we were not approached
21 by certain potential clients because we
22 represented tobacco. So there was, I think, an
23 economic loss to our firm over the years because
24 we did represent tobacco. But we're loyal to our
25 clients and that's just part of the game; you take

TINY 0001338

41

William J. Fritz, 6/12/98 - by Mr. Leedom

1 on a client and you take on that client's baggage
2 or, you know -- or the good points.

3 Q Let's talk about what those issues were in that
4 18-year period, principal issues, that you
5 addressed on behalf of the tobacco industry.

6 A Certainly taxes, that was always dominant;
7 environmental tobacco smoke, the -- I can't name
8 specific bills that involved that; the privacy
9 issue of whether or not employers could and should
10 discriminate against either potential employees or
11 employees on their payroll for activities off the
12 job, such as smoking or drinking.

13 Q Okay.

14 A The youth access issue was -- it was a supportive
15 role, for TI to support the retailers. And as I
16 said, we had a voluntary program for which TI
17 provided the placards and brochures and various
18 printed information to -- to get retailers to
19 participate in the program to discourage kids --
20 underage kids from smoking. That was an issue.

21 Q What about penalties? Would you include that
22 under the youth access?

23 A There -- there was a bill that did ultimately
24 pass, that imposes -- in fact, it went into effect
25 yesterday, I just saw on the news, that imposes a

TINY 0001339

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 \$50 penalty on an underage person found smoking.

2 That was the number one issue for the
3 convenience stores. And I never became involved
4 actively in that, except in a supportive role, or
5 if legislators asked me if it's a good idea.

6 Q So those would be the major issues that you dealt
7 with in that 18-year period?

8 A Yeah. Advertising would be another one.

9 Q Billboard advertising?

10 A Any kind of advertising. And if I may broaden
11 this a little bit, we also represented
12 Anheuser-Busch. My wife lobbied for them, I
13 lobbied for tobacco, and there were, from time to
14 time, assaults on commercial-free speech in one
15 form or another on advertising prohibitions.

16 And again, if you called upon me to name a
17 specific bill, I can't, but those were other
18 issues that we -- if we had a list, that would be
19 on the list.

20 Q Let's go through some of these issues.

21 We've already talked a little bit about the
22 tax issue, but as I understand your testimony
23 earlier -- I believe the record would reflect that
24 you, on behalf of the tobacco industry, opposed
25 any increase in state excise taxes; is that true?

1 A Yes.

2 Q In fact, at one point, was there a bill proposed
3 that would have reduced the taxes, state excise
4 taxes?

5 A By the tobacco industry coalition, not necessarily
6 by TI.

7 Q Yes.

8 A There was -- yes, it was on the table.

9 Q And TI supported that reduction of state excise
10 taxes?

11 A Yes, because others that were in that same tax
12 package, such as the hospitals and some medical
13 providers and the soft drink people, were getting
14 tax cuts, and we felt it only fair and equitable
15 that tobacco enjoy similar tax cuts.

16 Q Can we conclude that at no time did you, on behalf
17 of the tobacco industry, ever advocate an increase
18 in state excise taxes on tobacco products?

19 A That's correct.

20 Q Now, let's talk about environmental tobacco smoke
21 for a minute.

22 What was the position of the industry on
23 tobacco -- on environmental tobacco smoke, ETS?

24 MR. MURRAY: Mr. Fritz, at this
25 point, I just want to caution you, because I don't

TINY 0001341

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 know all the facts, but for the record, the court
2 has limited questioning in this deposition to
3 matters before June of 1996. So if you could bear
4 that in mind, I don't know the fact matters and I
5 don't -- if you have an issue on that, if you can
6 just turn to me and I'll raise the issue.

7 MR. BUTLER: And in addition,
8 for the record, I'd like to caution the witness
9 not to discuss any matters that may have been
10 discussed with counsel for the litigants in the
11 pending environmental tobacco smoke rule making
12 challenge that's before the supreme court and
13 which my law firm handled and continues to handle.

14 So would you make sure, Mr. Fritz, that you
15 do not disclose any conversations or any
16 communications from counsel with respect to that
17 litigation.

18 THE WITNESS: Okay.

19 Q (By Mr. Leedom) ETS, what was the position of the
20 industry on ETS, environmental tobacco smoke?

21 A Essentially that the studies were flawed,
22 statistically flawed. That has been publicized
23 quite a bit, I think, from the World Health
24 Organization being the most recent one.

25 There was great interest in clean indoor air;

TINY 0001342

45

William J. Fritz, 6/12/98 - by Mr. Leedom

1 by that, I mean promoting proper air filtration,
2 circulation, and so on, to take the onus off
3 tobacco smoke. I -- I don't remember the time
4 frame, but there was a very detailed study done in
5 New York City when they banned smoking in
6 restaurants, or proposed to, that showed the smoke
7 and grease from the kitchen was far more harmful,
8 in terms of its components, or far more prevalent
9 than tobacco -- than ETS.

10 Those were the kinds of things that -- and
11 this was a secondary thing for us. It's usually
12 involvement that came from the Restaurant
13 Association or the tavern owners who were under
14 the gun on this issue.

15 Q You mentioned that studies were flawed. Did you
16 ever review, personally, any study concerning
17 environmental tobacco smoke and the effect on the
18 human body or those that were inhaling that smoke?

19 A I was -- I had a copy of the entire study and read
20 through that, and --

21 Q Which study is that?

22 A I think it was the FDA study.

23 Q What year was that, approximately?

24 A I don't remember.

25 Q Did you tell a legislator that that FDA study was

TINY 0001343

46

William J. Fritz, 6/12/98 - by Mr. Leedom

1 flawed?

2 A No, I didn't have to.

3 Q Why not?

4 A Because there was enough publicized criticism of
5 the study process and the deviation from the
6 standard -- error deviation, statistical-type
7 analysis, that it was published in the media.

8 Q I'm just trying to focus on, Mr. Fritz, your
9 statement that studies concerning environmental
10 tobacco smoke were flawed and that you told that
11 to legislators. I'm trying to find out which
12 studies -- what were the flaws, who did you tell?

13 MR. BUTLER: Well, objection --
14 excuse me. Objection; the question misstates the
15 witness's testimony.

16 A I don't think I said I said that to legislators.

17 Q (By Mr. Leedom) Okay. Let me -- let's go back to
18 that.

19 Did you ever tell any legislator that studies
20 concerning environmental tobacco smoke were
21 flawed?

22 A I don't recall that I did.

23 Q What did you tell legislators concerning
24 environmental tobacco smoke, that you were -- when
25 you were advocating the position of the industry

TINY 0001344

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 on behalf of the Institute and the other members
2 of the Institute?

3 A I think basically what I was doing, if I did share
4 any information with legislators -- I don't recall
5 testifying on ETS, but I do recall disseminating
6 some information from the various studies that
7 were done on clean indoor air, or dirty indoor
8 air.

9 There was an indoor air consultant firm, I
10 can't remember the name, I think it was called
11 Clean Air, Inc., or something like this, that was
12 involved in studies. And so if there was a study
13 that was obviously going to make a case that ETS
14 was not as harmful as -- as stated by the
15 anti-tobacco people, then I would, if it was
16 appropriate, distribute that information.

17 Q There is a company called Clean Air, Inc.? Is
18 that what you said?

19 A They used to be -- yeah. They're out of Australia
20 and they're in -- they were retained by the
21 Restaurant Association in New York, for example,
22 to do that study on restaurant smoke. And I think
23 they also were retained by the State of Washington
24 at one point to do a study before the state,
25 totally ban indoor smoking.

TINY 0001345

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 They did a study -- and again, I can't
2 remember the name of the firm, but they were --

3 MR. MURRAY: Wait, Counsel,
4 don't interrupt.

5 THE WITNESS: Hm?

6 MR. MURRAY: I was just asking
7 counsel not to interrupt.

8 A But they were a consultant not only to Tobacco
9 Institute but to the State, to John Hopkins
10 University, to a number of buildings around here.

11 One thing that stands out in my mind was the
12 study that they did on one building here in
13 Seattle right after Mount Saint Helens erupted.
14 People were getting sick, complaining of
15 headaches, nausea, so forth, so they brought in
16 this firm to study the indoor air. And they found
17 out that when the ash was in the air, that the
18 maintenance manager had covered the air -- fresh
19 air intakes with tarps to prevent the volcanic ash
20 from coming in, and then forgot that he had done
21 this, and so there was no fresh air being drawn
22 into this building, just old air being
23 recirculated.

24 And I know that deviates a little bit from my
25 answer, but that was the same company that did

TINY 0001346

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 many of these studies on ETS.

2 Q (By Mr. Leedom) Are you aware that some of the
3 studies that were done on ETS were actually done
4 by companies owned and operated by the tobacco
5 industry?

6 MR. BUTLER: Objection; assumes
7 facts not in evidence.

8 A I'm not aware of any.

9 Q (By Mr. Leedom) Okay. Now, staying with this
10 issue of ETS, what representation did you make to
11 legislators on the issue of environmental tobacco
12 smoke?

13 A In testimony or in -- in one-on-one conversations
14 over a beer? What would -- in what context?

15 Q I think you've already said you did not testify.

16 A Right.

17 Q So it would have to be on a one-on-one, the
18 personal meetings with committee members, house
19 leadership, senate leadership. What did you say
20 to them?

21 A If this issue came up in a general discussion, I
22 would point out that I personally did not -- from
23 what I had seen and read, I personally didn't
24 believe that ETS was as harmful as being claimed
25 and -- basically that was the point, I think.

TINY 0001347

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q Would you tell the legislators that you were
2 talking to that you did believe ETS, environmental
3 tobacco smoke, was harmful but not as harmful as
4 claimed?

5 A Not in those words. I would basically point out
6 that there may be some effect, but that certainly
7 it wasn't as bad as being portrayed.

8 Q What was your basis for saying that?

9 MR. MURRAY: Objection; asked
10 and answered.

11 Go ahead.

12 A From the published critiques that I had seen on
13 the initial study on ETS and, quite frankly, from
14 my experience at Boeing --

15 Q (By Mr. Leedom) Had you seen -- I'm sorry.

16 A -- with ETS in aircraft.

17 Believe it or not, they used to count
18 on -- when they allowed smoking on airplanes, they
19 used to count on detection of leaks by seeing the
20 little brown streaks or stains coming out of rivet
21 holes or that type of thing.

22 And we also know that airlines, and to this
23 day, even after they banned smoking, don't bring
24 in proper fresh air because it takes extra fuel to
25 run the auxiliary power units and, therefore, you

TINY 0001348

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 get a lot of people with Legionaire's disease or a
2 whole plane load of sick people because you're
3 just recirculating the same old dead air.

4 Q Mr. Fritz, did you see any studies on
5 environmental tobacco smoke which demonstrated
6 that environmental tobacco smoke causes lung
7 cancer and other smoking-related diseases?

8 A I have seen claims -- I don't know that they were
9 studies -- from the state health department, from
10 the American Cancer Society, from the Heart
11 Association, from the medical associations. Yes,
12 there were those claims.

13 Q Did you assert to legislators in these personal
14 conversations that those claims that ETS causes
15 lung cancer and other smoking diseases were not
16 accurate and ill-founded?

17 MR. MURRAY: Objection; asked
18 and answered.

19 A I would basically say don't take them at face
20 value, that the -- that the process was
21 questionable.

22 Q (By Mr. Leedom) Now, did you learn, in your
23 analysis of this ETS issue, that environmental
24 tobacco smoke is identical, in terms of its
25 components, to smoke that an individual takes in

TINY 0001349

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 when smoking a cigarette?

2 MR. MURRAY: Objection --

3 MR. BUTLER: Objection; assumes
4 facts not in evidence, lacks foundation.

5 Q (By Mr. Leedom) Go ahead.

6 A Would you repeat the question?

7 MR. LEEDOM: I'll have her read
8 it back.

9 (Question on Pages 52-53,
10 Lines 22 through 1, read
11 by the reporter.)
12

13 A No.

14 Q (By Mr. Leedom) Do you think there is a
15 difference between environmental tobacco smoke and
16 the smoke that an individual takes into his or her
17 lungs when smoking a cigarette?

18 MR. BUTLER: Same objection.

19 Go ahead.

20 A Yes.

21 Q (By Mr. Leedom) What's the difference?

22 A The body processes smoke that is taken directly
23 and changes it. I'm not a scientist and I'm not
24 scientifically qualified, but I do know that as a
25 smoker for all these years, that my wife has never

TINY 0001350

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 complained about it.

2 Q Mr. Fritz, I wasn't asking what happens when the
3 smoke gets inside the body. I was asking whether
4 or not you have any evidence or proof that there
5 is any difference in the smoke itself that goes
6 into the body, be it from a cigarette or from
7 smoke from cigarettes that have been smoked by
8 other people, also known as environmental tobacco
9 smoke?

10 A No, I don't have any evidence.

11 Q How many cancer-causing agents are in tobacco
12 smoke in cigarettes?

13 MR. MURRAY: Objection to form.

14 MR. BUTLER: Objection to form,
15 lacks foundation, calls for speculation.

16 MR. LEEDOM: It certainly
17 doesn't lack foundation.

18 Q (By Mr. Leedom) Let me ask you this: Have you
19 ever seen any piece of information, from any
20 source, which indicates that tobacco contains
21 carcinogens or cancer-causing agents?

22 A Yes. Publications, yes.

23 Q So you've seen those?

24 A Uh-huh. (Witness answers positively.)

25 Q Now, what have you seen and what have you learned

TINY 0001351

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 from your reading on that subject?

2 A The claims that you've already identified about,
3 carcinogens and so forth, that -- that it was
4 harmful and that type of thing.

5 Q Do you believe that tobacco contains
6 cancer-causing agents?

7 MR. MURRAY: Objection to form.
8 It's also outside the scope of the deposition, but
9 I'll let it go a little bit.

10 Go ahead.

11 A Oh, I'm not a doctor, but I do believe -- my
12 personal belief, okay, is that for some people,
13 yes; for others, no.

14 If -- I believe that genetically if you have
15 a propensity toward cancer or some other such
16 disease, that there may be chemicals that could
17 affect that.

18 Q (By Mr. Leedom) Is that what you told
19 legislators?

20 A No. It's my personal belief.

21 Q And what did you tell legislators on the subject
22 of whether or not cigarette smoking causes cancer?

23 A Nothing.

24 Q Why didn't you tell them anything?

25 MR. MURRAY: Objection to --

TINY 0001352

55

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A Didn't have to. There was an overabundance of
2 information and data put out by the state health
3 department, Washington State Medical Association,
4 the Lung Association and the Heart Association, to
5 the point where it was always, in my opinion,
6 overkill, in my professional opinion as a
7 lobbyist.

8 There was so much information, that it was
9 overwhelming. There was so much information, that
10 you -- and perhaps extreme positions in that
11 information, that the other side, I might say, of
12 those organizations that I just mentioned
13 overkilled and hurt their own credibility.

14 Q (By Mr. Leedom) Was it your job, as Mr. Tobacco
15 for the tobacco industry, to negate the
16 information that was being put out by the
17 Washington State Medical Association, the Lung
18 Association, the Heart Association, and the like?

19 A No.

20 MR. MURRAY: Objection to form.

21 A No, I didn't. It was not my job and I didn't have
22 to.

23 Q (By Mr. Leedom) Did you make any attempt to do
24 so?

25 A No.

TINY 0001353

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q Well, for example, when you were talking to
2 legislators about the claim that environmental
3 tobacco smoke causes cancer, didn't you attempt to
4 counter that by suggesting they look at different
5 studies and different pieces of information?
6 A I don't recall that ever being the subject of
7 legislation. Okay? And -- but it was always a
8 topic of discussion. So when I was asked about
9 it, I would give my opinion.
10 Q In terms of your own views -- now, you've been a
11 smoker?
12 A Yes.
13 Q Are you still a smoker?
14 A Yes.
15 Q And when did you start smoking?
16 A Probably when I was 15.
17 Q And have you ever not smoked --
18 A Yes.
19 Q -- in the last 60 years?
20 A Yes -- in the last 60?
21 Q No, no. 50, I'm sorry.
22 A Yeah.
23 Q You're 67.
24 A Yes, when I was in boot camp in the marine corps,
25 we weren't allowed to smoke. And I've had some

TINY 0001354

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 surgeries, nothing smoking-related. When I was in
2 the hospital, there were -- hospitals wouldn't
3 allow smoking.

4 Q So other than those periods, you've smoked
5 continuously for over 50 years?

6 A Yes.

7 MR. MURRAY: I'm going to
8 object -- excuse me. Just for the record, I'm
9 going to object to this as outside the scope of
10 the judge's order. Just to abbreviate things, I'm
11 going to say "object to scope," and that's what I
12 mean by that.

13 MR. LEEDOM: That's fine.

14 MR. MURRAY: Go ahead.

15 Q (By Mr. Leedom) What types of cigarettes have you
16 smoked?

17 MR. MURRAY: Objection to scope.

18 A Well, there were the government-issue cigarettes
19 during the marine corps, and that was potluck. I
20 then, you never knew what brand you were getting
21 in your sea rations. Basically I smoked Camels,
22 tried various types of cigarettes.

23 In the military, you had to kind of take what
24 was available, and ultimately I probably smoked
25 Camel, Chesterfields, I've tried those, I've tried

TINY 0001355

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 Salem, and my current brand is Parliament 100s,
2 Light 100s.
3 Q How long have you been using Parliament Light
4 100s?
5 MR. MURRAY: Object to the form.
6 Go ahead.
7 A About ten years.
8 Q (By Mr. Leedom) And why do you smoke that
9 particular type?
10 MR. MURRAY: Objection to scope.
11 A I like the taste.
12 Q (By Mr. Leedom) Now, have you ever had a
13 smoking-related disease?
14 A No.
15 MR. MURRAY: Objection.
16 Go ahead.
17 A No.
18 Q (By Mr. Leedom) And you mentioned your wife.
19 Does she smoke also?
20 MR. MURRAY: Objection --
21 A No, she doesn't.
22 MR. MURRAY: Could you wait just
23 a minute?
24 THE WITNESS: Oh, I'm sorry.
25 Q (By Mr. Leedom) You have to give him time to

TINY 0001356

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 interpose his objection.

2 Now, do you believe that cigarette smoking
3 causes cancer?

4 MR. MURRAY: Objection.

5 A My personal belief is it may for some and it may
6 not for others.

7 Q (By Mr. Leedom) Do you think that's an open
8 question?

9 MR. MURRAY: Objection.

10 A I don't think the medical profession could answer
11 that question, you know, specific -- you know,
12 without qualifications.

13 I've had friends who didn't allow smoking in
14 their own home die of lung cancer. The fellow
15 that -- whose family just won the case in Florida
16 for a million bucks was 67 years old and he smoked
17 for less time than I have. And I'm a scuba diver,
18 I take a physical every year, and my internist is,
19 quite frankly, amazed at my condition for age 67.

20 So I can't -- I can't explain, except I think
21 one day that scientists and -- medical scientists
22 will determine some genetic patterns where
23 people -- where some people probably should never
24 smoke, and there will be evidence that for others
25 it's not going to be death-causing.

TINY 0001357

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q (By Mr. Leedom) Now, have you ever spoken to any
2 legislator on the subject of whether or not you
3 believe cigarette smoking causes cancer?

4 A Not really.

5 We had a good friend in the legislature who
6 smoked, who died of lung cancer. And immediately
7 two of -- of my legislative acquaintances who
8 smoked quit because of that. And to this day --
9 and they just quit cold turkey, and from being
10 pretty heavy smokers. But that frightened them
11 and so on, and they just -- they just stopped.

12 And, of course, these are -- you know, over
13 the years you develop friendships, and these
14 friendly legislators were telling me I should
15 quit, and I chose not to. But...(Pause.)

16 Q Have you ever tried to quit?

17 MR. MURRAY: Objection.

18 A No.

19 Q (By Mr. Leedom) Now, do you believe that tobacco
20 products are addictive?

21 MR. MURRAY: Objection.

22 A No. I believe they're habit-forming, because in
23 your discussion of addiction, I don't think there
24 is any parallel to some of the addictive drugs.

25 I got hooked on Percodan after I broke my leg

TINY 0001358

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 skiing. This is a pain reliever with a very good
2 addictive quality in it, and I found myself, even
3 after the cast was off and my leg was healed, I
4 was carrying the Percodans with me in my briefcase
5 just in case I felt pain, but I was -- I was
6 addicted to that.

7 As I mentioned earlier, I have had occasions
8 where I've had to stop smoking, and, yes, you miss
9 it, but it's not -- doesn't have the same
10 addiction -- addictive properties.

11 As a matter of fact, the thing that I think
12 I've missed most when I was in the hospital was
13 real coffee, because I -- I enjoy my coffee in the
14 morning. But I think you have to -- in my mind, I
15 carefully think you have to draw the line between
16 the addictive properties of drugs versus caffeine,
17 nicotine, that type of thing.

18 Q (By Mr. Leedom) Have you ever told any
19 legislator, including your smoking cohorts that
20 you alluded to earlier --

21 MR. MURRAY: Objection to form.

22 Q (By Mr. Leedom) -- that you don't believe that
23 tobacco products are addictive?

24 MR. MURRAY: Objection.

25 Q (By Mr. Leedom) In other words, have you told

TINY 0001359

62

William J. Fritz, 6/12/98 - by Mr. Leedom

1 them what you have said to us today?

2 A Not in any formal sense. We've had -- as I say,
3 we've had discussions over beer or over coffee,
4 and -- I know more people, including our son, who
5 have quit cold turkey than I know of people who
6 are on the Patch or on the Nicorette, et cetera.
7 So I -- and the legislators that I mentioned that
8 just quit after their friend died would disprove
9 the addictive nature of the -- I think that
10 I've -- personally observed more evidence of the
11 distinguishable -- line distinguishable between
12 the addictive drugs and nicotine.

13 Q My question, though, Mr. Fritz was have you ever
14 told any legislator what you've just told us about
15 your feelings about addiction and tobacco
16 products?

17 A Only in personal, informal conversations.

18 Q Okay. You've never made that on the committee
19 floor -- is that what you're saying? -- in a
20 speech?

21 A No, or pertinent to any legislative issue.

22 Q But you have made such statements in one-on-one
23 meetings with legislators over the years?

24 MR. MURRAY: Objection to form.

25 MR. BUTLER: Objection;

TINY 0001360

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 misstates the witness's testimony.

2 Q (By Mr. Leedom) Go ahead.

3 A I wouldn't call it meetings.

4 Q What would you call them?

5 A Well, if you could follow me around for a day in
6 Olympia, you'd see that we take time out to have
7 coffee. After we come off the hill, stop in at
8 the Best Western Alladin for a beer, and
9 legislators -- a lot of lobbyists and legislators
10 live at the Best Western Alladin. So they come
11 in, see you, sit down, and then we'd start
12 conversation, baseball, basketball, whatever, or
13 if something had occurred as an issue or was in a
14 media publication regarding tobacco or something,
15 it would logically come up.

16 Obviously the death of the legislator was
17 a very -- was high in the -- on the minds of
18 legislators for -- these legislative friends for
19 quite some time. And as I say, they were after me
20 to quit smoking.

21 So I distinguish between my off-the-hill
22 activities, that are non-lobbying, versus formal
23 lobbying and presentations to legislators.

24 I have -- because of the type of work I do,
25 most of my friends, and our family friends, are

TINY 0001361

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 legislators or other lobbyists, because that's our
2 world. So when issues come up, whether it be over
3 a beer or whether it's something else, it's a
4 person-to-person discussion.

5 I am very careful to distinguish when I make
6 a -- when I'm representing my clients' position on
7 something versus my own thoughts.

8 MR. MURRAY: Counsel, can we
9 take the morning break when you get a chance?

10 MR. LEEDOM: I want to just
11 finish this one section --

12 MR. MURRAY: Sure.

13 MR. LEEDOM: -- and then that
14 would be a good time.

15 Q (By Mr. Leedom) Let's move to the youth access
16 issue, which was another area or issue that you
17 flagged for us that you advocated on behalf of the
18 tobacco industry.

19 What's been the position of the tobacco
20 industry with respect to youth access to tobacco
21 products?

22 A They supported the prohibition of single cigarette
23 sales. They have consistently opposed sales to
24 underage people and launched, at their expense,
25 the "we card" program, I think that's what it was

TINY 0001362

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 called, to work with retailers.

2 I think that's basically the answer.

3 Q Have you, on behalf of the tobacco industry, ever
4 opposed a bill that would have, if enacted,
5 restricted or limited youth access to tobacco
6 products?

7 A Not for tobacco.

8 Q Well, you might have used another reason.

9 MR. MURRAY: Pardon me?

10 Objection to form.

11 Go ahead.

12 Q (By Mr. Leedom) Isn't that what you're saying?

13 A What I'm saying is that the vending machine
14 issue --

15 Q Let's talk about that.

16 A Let's talk about that.

17 There were claims that the prohibition of
18 cigarette sales through vending machines would go
19 a long way towards preventing youth access.

20 One of my other clients happens to be the
21 charitable organizations that have bingo halls for
22 raising funds. There is no law that prohibits
23 underage people from going into bingo halls with
24 their parents or relatives or friends. So that
25 client was particularly concerned about the --

TINY 0001363

66

William J. Fritz, 6/12/98 - by Mr. Leedom

1 there was some proposals to require that any
2 cigarette vending machine had to be made
3 inaccessible to underage people, with a
4 separate enclosure, or supervised by an adult that
5 was there at -- present at all times.

6 And so the Tobacco Institute didn't ask me to
7 do anything, but my charitable bingo people did,
8 because 90 percent of their customers smoke in the
9 bingo halls and many of them bring underage people
10 with them, and they just felt that it would be an
11 unreasonable request.

12 Q Now, are you telling us that the Tobacco Institute
13 client did not have you advocate a position
14 contrary to the proposed vending machine
15 legislation?

16 A I'm telling you that -- yes, I'm telling you that.

17 Q And the only ones that were having you advocate
18 the position contrary to the vending machine
19 restrictions was the bingo hall operators?

20 A Yes.

21 I -- if I may add, there were other lobbyists
22 involved. The bowling alleys, the taverns, the
23 restaurants, they were taking the lead on this.
24 And any opposition on restrictions, plus the coin
25 machine operators, or -- they have an association

TINY 0001364

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 of vending machine owners and operators. They
2 have their own lobbyist.

3 Q Now, on the vending machine issue, which would
4 restrict the location of vending machines, did you
5 ever take a position on behalf of the tobacco
6 industry in support of restrictions that were
7 being proposed?

8 A I was never asked to take a position either way.

9 Q All right. Let's talk about penalties, and you
10 mentioned that recently there has been a law
11 enacted concerning a \$50 penalty. I don't want to
12 ask you about that, but I want to ask you about
13 earlier proposals that would penalize either
14 possessors of tobacco products that were underage
15 or sellers to those under the age of 18.

16 What position has the tobacco industry taken
17 with respect to those proposed penalties?

18 MR. BUTLER: I'll object. First
19 of all, when you use the term --

20 MR. LEEDOM: You can only object
21 to the form of the question.

22 MR. BUTLER: And it's outside
23 the scope. And to the extent the --

24 THE REPORTER: Could you repeat
25 that? The siren is distracting me.

TINY 0001365

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 MR. BUTLER: To the extent the
2 question attempts to probe information dealing
3 with the time frame after June 6, 1996, it's
4 beyond the scope and contrary to the court's
5 order.

6 MR. LEEDOM: Let me just say for
7 the record, again, Mr. Butler is here representing
8 Philip Morris, which he's entitled to do. I want
9 him to comply with the rules, however, which limit
10 his objection to objection to the form, the scope,
11 or the responsiveness. He cannot make a speech,
12 which I think I could fairly conclude his last
13 objection was; just object to the form,
14 responsiveness, or scope. And you will have your
15 objection.

16 MR. BUTLER: Excuse me, Counsel,
17 since you delved into that, I think I have the
18 right to a response.

19 In objecting to the form of the question, it
20 is both permissible, and I think customary, to
21 advise the questioning counsel of the defects so
22 that that counsel may attempt to cure that defect
23 if he so chooses.

24 MR. LEEDOM: Actually, that's
25 not the current rule of civil procedure. You're

TINY 0001366

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 incorrect on that. But if I do need a
2 clarification and want you to tell me what the
3 defect is, I will ask you and you can do so.

4 MR. BUTLER: Always happy to
5 help.

6 MR. LEEDOM: All right, thank
7 you.

8 Let's go back to the question. Do we have the
9 question before we got into this round of
10 objections?

11 (Question on Page 68, Lines 9
12 through 17, read by the
13 reporter.)
14

15 MR. BUTLER: I would add lack
16 of foundation to my objection.

17 A Never was I asked to take a formal position or to
18 advocate -- advocate on that issue.

19 There was empathy expressed -- the people that
20 were on point on that issue were the convenience
21 stores and the restaurants and other small
22 businesses, and their concern that even with
23 training, they did support the concept of training
24 employees on how to card and not to sell to
25 underage people, but there was a lot of empathy on

TINY 0001367

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 the part of -- of my client in support of the
2 claims of the convenience store, in that they
3 could not always be held responsible for some
4 clerk who would sell to an underage friend.

5 And so that -- that's the best way I can
6 answer that.

7 Q (By Mr. Leedom) Would you say that the
8 convenience stores took the lead on opposing
9 penalties to convenience store employees for
10 selling to underage children?

11 A Yes.

12 Q Now, are you familiar with the Washington State
13 Association of Neighborhood Stores?

14 A Yes.

15 THE WITNESS: I have to go to
16 the bathroom.

17 MR. MURRAY: I do --

18 Q (By Mr. Leedom) Let me finish this question and
19 we'll do that.

20 A Okay.

21 Q Now, that particular organization is presently
22 represented by Mr. T.K. Bentler; is that true?

23 A Yes. He is their lobbyist.

24 Q He is their lobbyist. And in fact, the
25 Neighborhood Store group -- the Tobacco Institute

TINY 0001368

71

William J. Fritz, 6/12/98 - by Mr. Leedom

1 is involved with that, are they not?

2 A I don't know, today. They were.

3 Q They were. In fact, the Tobacco Institute was a
4 member of the board, had a board position on that
5 group, did they not?

6 A No.

7 Q No?

8 A No.

9 Q You're sure of that?

10 A Yes.

11 Well, define "terms." Emeritus, board member
12 emeritus? Is that an official member of the
13 board? I don't know.

14 Q Well, what's your understanding of the board
15 representation, emeritus or otherwise, on the
16 Tobacco Institute on the Neighborhood Stores
17 group?

18 A It was a courtesy, a courtesy to -- but without
19 voting power.

20 MR. LEEDOM: Okay. Let's take a
21 break.

22 THE VIDEOGRAPHER: We're going
23 off the record at 10:40.

24 (Recess at 10:40 a.m.)

25 ////

TINY 0001369

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 THE VIDEOGRAPHER: We're back on
2 the record at 10:56.
3
4

5 EXAMINATION (Continuing)

6 BY MR. LEEDOM:

7 Q All right. We were discussing the issue of youth
8 access and discussing the question of penalties.

9 A Uh-huh. (Witness answers positively.)

10 Q And then we were discussing the question of the
11 involvement of the Tobacco Institute with the
12 Neighborhood Stores.

13 What is your understanding of the involvement
14 of the Tobacco Institute with the Neighborhood
15 Stores?

16 A My understanding of the motivation for the
17 involvement was it's a customer relations gesture.

18 Q What's that mean?

19 A Well, the Neighborhood Stores purchase the
20 products from the cigarette companies and sell
21 them, so there is a customer relations
22 relationship.

23 Q And does the Tobacco Institute have a position on
24 the board of the Neighborhood Stores Association?

25 A I have no idea, today.

TINY 0001370

73

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q Did they in the period prior to June of 1996?

2 A Yes. I was a board member emeritus, which is what
3 I was talking about earlier.

4 Q You personally were actually a board member of the
5 Neighborhood Stores, correct?

6 A Yes.

7 MR. MURRAY: Objection; asked
8 and answered.

9 Q (By Mr. Leedom) And how many years were you a
10 member of the Neighborhood Stores board?

11 A Oh, less than two; probably a year and a half.

12 Q So which years were you a member of the
13 Neighborhood Stores board?

14 A From -- I'd say starting in 1997, until the time
15 that my -- of my termination with Tobacco
16 Institute.

17 Q Well, maybe I got the date wrong. I think you
18 said you terminated your relationship with the
19 Tobacco Institute in the fall of 1997, correct?

20 A Yes. Yes.

21 Q So --

22 A So '96. Excuse me, '96, so about a year and a
23 half.

24 Q Was there any other member of the Tobacco
25 Institute on the board of the Neighborhood Stores

TINY 0001371

74

William J. Fritz, 6/12/98 - by Mr. Leedom

1 group before you were on the board?

2 A No.

3 Q You're sure of that?

4 A Well, yeah, I am.

5 Q Now, is it true that the Tobacco Institute, on

6 occasion, works through other lobby groups to

7 advocate the position of the tobacco industry?

8 A It is standard procedure for any special interest

9 group to try to multiply its political muscle by

10 forming coalitions with other interested parties

11 or associations or industries or companies. And

12 to the -- to that extent, the Tobacco Institute

13 had two reasons -- yes, to answer your question

14 directly, yes, two reasons: One was the customer

15 relations aspect, and the second one was to work

16 as a coalition.

17 Q What other organizations besides Neighborhood

18 Stores did the Tobacco Institute take a

19 significant role in?

20 MR. MURRAY: Objection to form.

21 A The tavern owners and the Restaurant Association,

22 upon request.

23 Q (By Mr. Leedom) How about the bingo operators?

24 A No, there was never any relationship there, other

25 than the fact that I was their lobbyist.

TINY 0001372

75

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q Okay. So, for example, on the issue of penalties,
2 which was opposed vigorously by the Neighborhood
3 Stores group, was that also opposed vigorously by
4 the restaurant and tavern owners groups?
5 A I don't know.
6 Q Did the Tobacco Institute support the vigorous
7 opposition of the Neighborhood Stores to the
8 penalties that were proposed to be imposed upon
9 the stores for sales to underage individuals?
10 A Not in an overt way.
11 Q How about in a covert way?
12 A No, not -- no, I would object to that term. If
13 asked, we would be supportive of their position.
14 Q You used the term "empathy" before, but in fact,
15 did you not support verbally that position, the
16 position of the Neighborhood Stores opposing these
17 penalties to legislators?
18 A Not in testimony and not in direct one-on-one
19 contacts. Again, only if we were asked.
20 Q Were you asked?
21 A Yes.
22 Q Who asked you?
23 A Legislators.
24 Q What did you say?
25 A Say we agree that -- with the Neighborhood Stores,

TINY 0001373

76

William J. Fritz, 6/12/98 - by Mr. Leedom

1 were supportive of their position.

2 Q Did you disclose to the legislators that you were
3 talking to that you were on the board of directors
4 of the Neighborhood Stores?

5 MR. MURRAY: Objection to form.

6 MR. BUTLER: And object to
7 scope.

8 MR. MURRAY: And I was going to
9 say objection to scope.

10 A No.

11 Q (By Mr. Leedom) Now, the other issue concerning
12 youth access that I want to ask you about relates
13 to the proposed charge of \$500 per store for
14 programs which would prevent youth access.

15 Do you recall that as a proposal?

16 A Vaguely.

17 Q Do you recall taking a position with respect to
18 that proposal?

19 A No. That's why I'm vague on it.

20 Q Okay. Do you recall that the Neighborhood Stores
21 took a very strong position in opposition to that
22 legislation which would have imposed a \$500 charge
23 on the stores?

24 A I cannot answer that with a specific "yes." I
25 believe they did.

TINY 0001374

77

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q Okay.

2 A Please understand that as a board member emeritus,
3 I did not attend all board meetings of the
4 Neighborhood Stores.

5 Q Now, you also mentioned the issue of advertising.
6 What position did the tobacco industry take with
7 respect to advertising of tobacco products in our
8 state?

9 A Their position was, and I think still continues to
10 be, that commercial-free speech is protected by
11 the First Amendment.

12 Q Okay. Is that a position that you advocated to
13 legislators?

14 A Not in any formal sense.

15 Q How about in the informal sense --

16 A If asked, and in discussions, informal
17 discussions.

18 Q Were you asked?

19 A Yes.

20 Q Did you have discussions?

21 A Yes.

22 Q And what did you say?

23 A I said that I believe that if you're selling a
24 legal product in a legal manner, that you have the
25 right to advertise that product.

TINY 0001375

78

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q Okay. Did the tobacco industry ever support
2 legislation which would have limited the ability
3 to advertise tobacco products in the state of
4 Washington?

5 A No.

6 Q Do you believe nicotine is a drug?

7 MR. MURRAY: Objection to form.

8 MR. BUTLER: Objection; lacks
9 foundation.

10 A Are you asking me for my personal opinion?

11 Q (By Mr. Leedom) Yes.

12 MR. MURRAY: Objection to scope.

13 MR. BUTLER: Same objection.
14 Objection to foundation, as well.

15 A Well, I believe it's a chemical. And if -- again,
16 you're getting into definition of terms, but
17 anything that alters the body function, such as
18 aspirin or caffeine or nicotine, if that falls
19 into your definition of being a drug, then I would
20 say that, yes, it's a drug. But it's -- it's a
21 chemical influence on the -- on the body
22 functions.

23 Q (By Mr. Leedom) Have you ever told any legislator
24 your definition of what a drug is and whether or
25 not nicotine fits that definition?

TINY 0001376

79

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A No.

2 MR. MURRAY: Objection to form.

3 THE WITNESS: Excuse me.

4 MR. MURRAY: It's all right.

5 A No.

6 Q (By Mr. Leedom) Have you ever taken a position on
7 behalf of the Tobacco Institute that nicotine
8 should not be regulated as a drug by the Food and
9 Drug Administration?

10 A On behalf of the Tobacco Institute?

11 Q Yes.

12 A No.

13 Q Have you ever taken that position on your own
14 behalf?

15 A Yes.

16 Q When was that?

17 A When I wrote -- I think I wrote a letter to
18 some congress people, our congressional
19 representatives, to the -- probably to the
20 president when this was a hot issue, that I didn't
21 subscribe to the idea of regulating it as a drug.

22 Q Now, when you communicated with these government
23 officials, are you saying you were communicating
24 solely as an individual citizen and in no way in
25 your capacity as a representative of the Tobacco

TINY 0001377

80

William J. Fritz, 6/12/98 - by Mr. Leedom

1 by the FDA.

2 Q Why were they opposed to it?

3 MR. MURRAY: Objection to form.

4 MR. BUTLER: Objection; lacks
5 foundation.

6 A I can't give you the specifics. I know that as a
7 policy, they felt that it would be an undue
8 regulatory burden on them. It would be too much
9 of a -- too much regulation.

10 Q (By Mr. Leedom) Who was your contact at the
11 Tobacco Institute during this 18-year period?

12 A They had regional directors. Most recently was
13 Dan Howell. Prior to him was a gentleman by the
14 name of Dan Wahby, W-A-H-B-Y. Prior to him was a
15 gentleman by the name of Paul Jacobson, S-O-N.
16 And prior to him was a gentleman by the name of
17 Alexander King.

18 They were given the responsibility for
19 coordinating the TI lobbyist activities within a
20 region.

21 Q What was the region that Washington was in?

22 A Originally -- well, still is, as far as I know, is
23 Idaho, Montana, Wyoming, Oregon, Washington.

24 Q Alaska?

25 A Yeah. Yeah. Excuse me, I forgot Alaska.

TINY 0001378

83

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Institute in the state of Washington?

2 A That's correct.

3 Q And why do you say that?

4 A Well, let's go back to the fact that I am a smoker
5 and I do pay attention to things that affect the
6 product that I -- I use, and I was never asked by
7 the Tobacco Institute to -- to do this type of
8 communication. It was strictly an expression of
9 my own rights as a citizen.

10 Q Were you ever asked by the Tobacco Institute to
11 write a letter to legislators or government
12 officials concerning the issue of whether or not
13 nicotine should be regulated by the FDA?

14 MR. MURRAY: Objection; asked
15 and answered.

16 Go ahead.

17 A I was asked to see if we could get some
18 legislators to write letters opposing that, yes.

19 Q (By Mr. Leedom) Who asked you to do that?

20 A The Tobacco Institute.

21 Q Do you recall when that was?

22 A No. It was when the issue was in contention and
23 being debated.

24 Q Did you actually undertake that project to see if
25 legislators would write letters opposing FDA

TINY 0001379

81

William J. Fritz, 6/12/98 - by Mr. Leedom

1 regulation of tobacco?

2 A Yes.

3 Q Who did you get to write the letters?

4 A I don't recall.

5 Q At about the time that you were successful in
6 getting legislators to write letters, is that the
7 time you wrote your letter?

8 MR. BUTLER: Objection; assumes
9 facts not in evidence, objection to form.

10 A I can best answer you by saying that it was in --
11 within the time frame of when that issue was being
12 debated as a national issue and it was a hot and
13 heavy issue. And my motivation was -- as a
14 smoker, the -- and I could not tell you honestly
15 how many legislators responded to my request,
16 vis-a-vis Tobacco Institute, to write letters. I
17 don't have anything, you know, of record on that.

18 Q Okay. But my question, Mr. Fritz, was: Wasn't it
19 at the same time that you were trying to get
20 legislators to write letters opposing FDA
21 regulation that you, yourself, wrote your letter?

22 A Approximately the same time.

23 Q And what was the Tobacco Institute's position with
24 respect to FDA regulation of tobacco products?

25 A They were opposed to it being regulated as a drug

TINY 0001380

82

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q Okay. Now, would one of these individuals, at the
2 time an issue was at issue, communicate with you
3 the position of the Tobacco Institute?
4 A Generally, yes.
5 Q So with respect to the issue of whether or not
6 tobacco should be regulated as a drug, who would
7 have been the regional coordinator at that time?
8 A Probably Dan Wahby.
9 Q And did you communicate with him on that subject?
10 A Yes.
11 Q Did he provide any written materials to you?
12 A Yes.
13 Q And did you retain those written materials?
14 A No. I -- no.
15 Q What do those written materials say?
16 A Basically outline the argument against having the
17 FDA regulate tobacco as a drug, and the reasons
18 for the industry's opposition.
19 Q Was one of the arguments that Mr. Wahby provided
20 to you on behalf of the Institute that the
21 Institute was asserting that tobacco was not a
22 drug, did not contain any drugs?
23 A I don't recall that.
24 Q Was the Institute taking the position that
25 nicotine was not a drug?

TINY 0001381

84

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A I can't recall that specific.

2 Q To your knowledge, has the Tobacco Institute,
3 that you worked for for 18 years, ever taken the
4 position that nicotine is a drug?

5 A No.

6 Q In fact, they took the opposite position, didn't
7 they? They took the position that nicotine is not
8 a drug, right?

9 MR. MURRAY: Object to the form.

10 A In general terms, I would say that would be their
11 position.

12 MR. LEEDOM: Let's have this
13 marked as an exhibit.

14 (Exhibit No. 1236 marked
15 for identification.)

16
17 MR. LEEDOM: I'm sure you knew
18 I'd be asking about this. Mr. Murray has
19 committed it to memory. He doesn't even have to
20 look at it.

21 This is exhibit number what?

22 THE REPORTER: 1236.

23 Q (By Mr. Leedom) Showing you Exhibit 1236, is this
24 a letter you wrote in October of 1995 to the
25 president of the United States?

TINY 0001382

85

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A Yes.

2 Q And you copied David Kessler, then-chair of the
3 FDA, and the Washington State Congressional
4 Delegation?

5 A Yes.

6 Q Now, in any part of this letter, do you identify
7 your role with the Tobacco Institute?

8 A No.

9 Q Do you identify your role as Mr. Tobacco in the
10 state of Washington?

11 MR. MURRAY: Objection to form.

12 A No.

13 Q (By Mr. Leedom) Why didn't you identify your role
14 with the Tobacco Institute for then-16 years?

15 A I wrote this as a smoker and as a citizen, and
16 there was no need for any other identification.

17 Q You know what full disclosure is, of course,
18 because of your work as a lobbyist?

19 MR. MURRAY: Objection to form.

20 Q (By Mr. Leedom) Correct?

21 A I'm not sure that I know what your term means,
22 "full disclosure."

23 Q Well, as a lobbyist, aren't you required to make
24 full disclosure of who you are, who you represent,
25 how much you're being paid, and actually report

TINY 0001383

86

William J. Fritz, 6/12/98 - by Mr. Leedom

1 that to the Public Disclosure Committee on an
2 ongoing basis?

3 A Yes, who I represent, who my clients are, and what
4 they paid me.

5 Q Right. And you, in fact, provided me with
6 documents that show that.

7 A Yes.

8 Q Now, why didn't you think it was incumbent upon
9 you, in the spirit of full disclosure, to tell the
10 president of the United States that you, in fact,
11 had worked as a lobbyist, earning approximately
12 \$50,000 a year for 16 years, at the time you wrote
13 this letter?

14 MR. MURRAY: Objection; asked
15 and answered and as to form.

16 MR. BUTLER: Join in the
17 objection.

18 A Well, I don't give up my rights as a citizen
19 because I'm a lobbyist, and I wrote this in the
20 context of being a citizen and a smoker who has a
21 right to petition my government for my own redress
22 of grievances. And I have done this on other
23 issues on behalf of myself.

24 Q (By Mr. Leedom) The last sentence of the first
25 paragraph --

TINY 0001384

87

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A Of the first paragraph, okay.

2 Q Actually, the last couple of lines of the first
3 paragraph talks about the current proposal to have
4 the, quote, "FDA regulate commonly used and legal
5 tobacco products as a drug!" exclamation point,
6 end of quote.

7 Now, was it your belief at that time that
8 tobacco products did or did not contain drugs?

9 MR. BUTLER: Objection; beyond
10 the scope, object to form.

11 A It was my belief, and remains my belief today,
12 that tobacco does not have the same properties as
13 addictive drugs.

14 Q (By Mr. Leedom) Okay. Did you communicate that
15 belief, which you held then and you hold today, to
16 any legislator?

17 A No.

18 Q Even on an informal basis?

19 A If -- there are discussions, so many discussions.
20 If it came up, I would have taken that position,
21 but I don't recall any specifically.

22 Q Okay. Well, I'm not -- I understand you don't
23 specifically recall a conversation, but don't you
24 think it's probable, Mr. Fritz, that during this
25 18-year period of time that you were the

TINY 0001385

88

William J. Fritz, 6/12/98 - by Mr. Leedom

1 legislator -- the lobbyist for the Tobacco
2 Institute, that you communicated to more than one
3 legislator that you did not believe that nicotine
4 was a drug, nor that tobacco products contained
5 drugs?

6 MR. MURRAY: Objection; asked
7 and answered, and as to form.

8 MR. BUTLER: And beyond the
9 scope.

10 A I can't recall.

11 I do know this, that those legislators that I
12 told you about earlier that quit smoking cold
13 turkey, so to speak, were very proud of the fact,
14 and they kind of would chuckle at some of the
15 claims of the addictiveness and that tobacco is a
16 drug, because they were able to quit without
17 withdrawals.

18 MR. LEEDOM: Move to strike as
19 not responsive.

20 Q (By Mr. Leedom) My question, Mr. Fritz, is:
21 Isn't it true that in this 18-year time frame that
22 you were the tobacco lobbyist for the industry and
23 the Institute, that you probably communicated to
24 legislators your view that tobacco does not
25 contain drugs?

TINY 0001386

89

William J. Fritz, 6/12/98 - by Mr. Leedom

1 MR. MURRAY: Objection to form,
2 and now there is no foundation. And it's also
3 beyond the scope.

4 Go ahead.

5 Q (By Mr. Leedom) Go ahead.

6 A Probably informally in discussions, I did make
7 my -- make the claim that I did not believe that
8 tobacco was a drug.

9 Again, I have to qualify this, because I don't
10 have the scientific expertise. When you phrase
11 your question to me about the properties in
12 tobacco, I don't know. I don't know what they
13 are.

14 Q So have you ever learned what the constituents are
15 of tobacco?

16 A I have read about it in some of the published
17 reports, I've watched the congressional hearings
18 on television, and -- but have I retained that
19 information? No.

20 Q Have you ever learned that tobacco that's in
21 cigarettes can contain up to 50 carcinogens or
22 cancer-causing agents?

23 MR. MURRAY: Objection to form.

24 MR. BUTLER: Same objection.

25 A I have never learned that, no.

TINY 0001387

90

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q (By Mr. Leedom) Did you ever see that in
2 congressional hearings that you observed?

3 A I've seen that in some publications as claims,
4 yes.

5 Q Did you do anything personally to see if those
6 claims were true or not true?

7 A No.

8 Q Did you do any investigation at any time to
9 determine whether or not nicotine was a drug?

10 A No.

11 Q Did you do any investigation at any time to
12 determine whether or not nicotine was addictive?

13 A No, I never did any investigation.

14 Q Did you ever see any internal documents from any
15 of the individual companies which indicated that
16 nicotine was addictive?

17 A No.

18 Q Did you ever see any internal documents from
19 any of the individual tobacco companies which
20 indicated that tobacco contains cancer-causing
21 agents?

22 A No.

23 Q Why didn't you do any investigation?

24 MR. MURRAY: Objection; asked
25 and answered.

TINY 0001388

91

William J. Fritz, 6/12/98 - by Mr. Leedom

1 MR. BUTLER: Objection as to
2 form.

3 A It was not part of my -- my job responsibility.

4 Q (By Mr. Leedom) Well, at the beginning of the
5 deposition, we talked about your duty to be
6 truthful and your duty to fairly research and
7 determine the facts of an issue.

8 I'm trying to find out why you didn't feel it
9 was incumbent upon you, since you were discussing
10 issues as we've been discussing, to investigate,
11 research, and learn the answers to these issues.

12 MR. MURRAY: Objection to form,
13 asked and answered.

14 A My job was to provide information to legislators,
15 to respond as honestly as I could and factually as
16 I could. And on subjects that you're bringing up,
17 I had no expertise in this. So I would ask the
18 client for information when I -- to respond to --
19 to give answers to such questions.

20 MR. BUTLER: Bill, she's saying
21 we need to go off the record.

22 MR. LEEDOM: Thank you.

23 THE VIDEOGRAPHER: We are going
24 after the record at 11:21. This is the end of
25 Tape 1.

TINY 0001389

92

William J. Fritz, 6/12/98 - by Mr. Leedom

1 (Discussion off the record.)

2
3 THE VIDEOGRAPHER: This is the
4 beginning of Tape 2. We are back on the record at
5 11:25.

6 MR. LEEDOM: And the last
7 question and answer was?

8 (Question/Answer on Page 92,
9 Lines 4 through 19, read
10 by the reporter.)
11

12 Q (By Mr. Leedom) Now, the clients you're referring
13 to would be the Tobacco Institute?

14 A In this case, yes.

15 Q Okay. And did you, in fact, ask the Tobacco
16 Institute for information concerning -- let's just
17 take the issue of whether or not nicotine is
18 addictive?

19 A No, because I was never asked for that information
20 by a legislator.

21 Q Did you ever ask the Tobacco Institute for any
22 information as to why nicotine was not a drug,
23 which was the position the Institute took?

24 A No.

25 Q Well, what did you ask the Institute about that?

TINY 0001390

93

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A Questions that would come up regarding ETS was one
2 focal point, questions that would come up about
3 taxation, which we've already covered rather
4 thoroughly.

5 I don't think I was ever asked by a legislator
6 whether -- for information about the chemical
7 properties of tobacco or whether or not it was a
8 drug. They pretty much, each and every one of
9 them, had their own opinion already.

10 Q Mr. Fritz, I wasn't asking you whether or not you
11 were asked by a legislator about a subject and
12 then went to the Tobacco Institute for
13 information. I was asking whether or not you,
14 yourself, ever asked the Tobacco Institute about
15 whether or not nicotine was addictive.

16 A No.

17 Q And why didn't you feel that that was important to
18 ask the Institute about?

19 MR. MURRAY: Objection; asked
20 and answered.

21 A I didn't -- it wasn't an issue.

22 Q (By Mr. Leedom) You didn't think whether or not
23 nicotine was addictive was an issue?

24 MR. MURRAY: Objection; asked
25 and answered.

TINY 0001391

94

William J. Fritz, 6/12/98 - by Mr. Leedom

1 MR. BUTLER: Objection;
2 argumentative.

3 Q (By Mr. Leedom) Go ahead with your answer.

4 A Not an issue that I was involved with in a
5 professional sense.

6 Q What information did you seek from the Tobacco
7 Institute concerning the relationship between
8 smoking and health?

9 A I sought no information from them.

10 Q Why not?

11 A Limited file drawer space.

12 Q Were you ever provided with any information from
13 the Tobacco Institute on the subject of smoking
14 and health?

15 A Not that I can recall.

16 Q Did you ever do any independent research and
17 investigation to determine the relationship
18 between smoking and health?

19 MR. MURRAY: Asked and answered,
20 in essence.

21 MR. BUTLER: Object to form.

22 A I read all of the publications that I mentioned
23 previously put out by the health department and
24 the various health organizations, special interest
25 groups, so that I would be aware of and, if need

TINY 0001392

95

William J. Fritz, 6/12/98 - by Mr. Leedom

1 be, conversant with their claims.

2 That was the extent -- that would -- I was
3 never asked to do that, but I felt that was my job
4 to know what the other side was saying.

5 Q (By Mr. Leedom) So you tried to learn what the
6 other side was saying on health issues, correct?

7 A Yes.

8 Q But you made no effort to determine whether or not
9 what the other side was saying was true or not; is
10 that correct?

11 A It was extremely difficult to do that, because I'm
12 not, number one, a scientist, nor a medical
13 professional.

14 It was also difficult -- let me back up and
15 say there was an information overload. There were
16 so many claims, that if they were all true, most
17 of us would be dead today.

18 And I go back to an earlier statement; that's
19 where the other side -- it wasn't so much of what
20 I said or did but what the other side did, that
21 destroyed their credibility.

22 Q When you say most of us would be dead today, are
23 you referring to smokers?

24 A No, sir. If I can take just a minute.

25 The studies that I've seen on the effects of

TINY 0001393

96

William J. Fritz, 6/12/98 - by Mr. Leedom

1 alcohol and fetal alcohol syndrome and smoking and
2 fatty foods and cholesterol, if you add up the
3 statistics that the advocates of those causes put
4 together, you'd be dead 297 and a half percent of
5 the time.

6 I'm saying that a lot of the claims that I've
7 seen from -- on any subject in this area has been
8 exaggerated, because they don't add up, the
9 numbers don't add up. That's my personal
10 perspective on this stuff.

11 Q Now, the numbers change every year, but assuming
12 the numbers for the early '90s were that
13 approximately 400,000 Americans died each year
14 from tobacco-related illnesses -- did you ever
15 hear that particular figure discussed?

16 A That and higher.

17 Q And higher. I think it's higher today. It's in
18 the 450,000 range.

19 Did you ever investigate that to determine
20 whether or not that figure was accurate?

21 MR. MURRAY: Objection; asked
22 and answered.

23 A I can't recall who did it, whether it was a
24 legislator or another lobbyist, but I saw a
25 sampling of death certificates put out by the

TINY 0001394

97

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Washington State Department of Health that would
2 raise questions in my mind. If a person was in
3 a -- say, had died of cardiac arrest following a
4 skiing accident but was also a smoker, the little
5 box was checked "smoking-related death."

6 There hasn't been an effort made, in my
7 estimation of the things I've seen and studied, to
8 clinically isolate smoking as a direct cause of
9 death, if not complicated with other factors.

10 I think this is the thing that bothers me
11 personally, from anything that I've seen the most,
12 is that if I should be crossing the street after
13 today's deposition and get hit by a car, the fact
14 that I was a smoker will be noted. And if they
15 wanted to distort statistics, they could say,
16 "Well, Fritz died of -- he was a smoker." And I
17 think it's grossly unfair and misleading to do
18 that.

19 Q Well, just to use your skier statistic for a
20 minute, when did you see these death certificates?

21 A Four or five years ago.

22 Q How many did you see?

23 A Probably a dozen.

24 Q Who provided them to you?

25 A As I say, I can't recall. Whether it was a

TINY 0001395

98

William J. Fritz, 6/12/98 - by Mr. Leedom

1 legislator that requested them or another lobbyist
2 that got ahold of them, I don't know. I just
3 really don't remember.

4 I remember looking through them and saying
5 that this is not a fair way to identify
6 smoking-caused -- or smoking-related deaths.

7 Q Well, if the skier was skiing down the mountain
8 and he happened to be a smoker and he had a heart
9 attack because he had cardiovascular disease from
10 his cigarette smoking, that's why he died, isn't
11 it --

12 MR. MURRAY: Objection to form,
13 scope.

14 Q (By Mr. Leedom) -- with that set of facts?

15 MR. MURRAY: Same --

16 A If we want to get into that kind of discussion,
17 for which I think neither of us are qualified, I
18 would have to take a look at his family history, I
19 would have to look at his cholesterol, we would
20 have to look at a whole number of other factors
21 that may have contributed to cardiac arrest, as
22 well as stress factors and et cetera.

23 I just -- I personally can't accept -- even
24 with lung cancer --

25 Q (By Mr. Leedom) Let's talk about lung cancer.

TINY 0001396

99

William J. Fritz, 6/12/98 - by Mr. Leedom

1 What sort of research have you done on the
2 subject of lung cancer?

3 A Personal experience.

4 Q What's that mean, "personal experience"?

5 A Observation of friends who have died who didn't
6 smoke and didn't allow smoking.

7 My wife's family was a Mormon family, didn't
8 smoke, didn't drink. She lost three brothers and
9 a father to cancer.

10 Q What kind of cancer?

11 MR. MURRAY: Wait. Objection;
12 beyond the scope.

13 MR. LEEDOM: Well, I'm just
14 trying to find out if it's lung cancer, if that's
15 what we're talking about here. And --

16 MR. MURRAY: Well, I know that.
17 The problem of my scope objection is I'm not -- is
18 I let it go a little bit out of background and
19 courtesy, and then I get deeper and deeper and
20 deeper in the hole and --

21 MR. LEEDOM: Let me go this way.
22 I'm not trying to go out of the scope of this, but
23 he raised the question of lung cancer. I want to
24 ask him about it.

25 Q (By Mr. Leedom) Let's stick to my questions.

TINY 0001397

100

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Lung cancer, what research have you done on
2 the causes of lung cancer?

3 A No research; personal observations.

4 Q Now, have you ever seen an article, and they were
5 first published back in the early '50s, which
6 purports to demonstrate that smokers who develop
7 lung cancer in fact develop lung cancer from the
8 cigarettes or the tobacco products?

9 MR. BUTLER: I object; beyond
10 the --

11 Q (By Mr. Leedom) Have you seen those articles?

12 MR. BUTLER: First of all, I
13 object, beyond the scope, vaguely ambiguous, just
14 objection to form.

15 A No, I haven't seen those articles.

16 Q (By Mr. Leedom) So you've never read any articles
17 in the medical literature concerning the cause of
18 lung cancer?

19 MR. BUTLER: Same objection.

20 MR. MURRAY: Objection to form.

21 Q (By Mr. Leedom) Is that correct?

22 A Not in any medical publications.

23 Q Now, are you telling us today that you don't
24 believe that smoking causes lung cancer?

25 A I go back to the way I responded initially when

TINY 0001398

101

William J. Fritz, 6/12/98 - by Mr. Leedom

1 you asked about health -- harmful health effects:
2 It may cause that problem for some people; for
3 others, it may not.

4 Q Have you ever told a legislator that you don't
5 believe that smoking causes lung cancer?

6 MR. MURRAY: Objection to form,
7 mischaracterizes his answer.

8 MR. BUTLER: Join in the
9 objection.

10 A I have never been asked, and so, therefore, I've
11 never made that statement to a legislator.

12 Q (By Mr. Leedom) Back to your -- my question
13 concerning how you would gather information, you
14 said you would do so as honestly as you could and
15 you would get information as factual as you could.

16 A Uh-huh. (Witness answers positively.)

17 Q That's what the record shows.

18 How did you go about gathering factual
19 information on the question of smoking and its
20 relationship to health?

21 MR. MURRAY: Objection to scope.
22 This is an example. He didn't say -- didn't lobby
23 on this issue, so I object to scope and I object
24 to form.

25 MR. BUTLER: And I'll object

TINY 0001399

102

William J. Fritz, 6/12/98 - by Mr. Leedom

1 that it assumes facts not in evidence.

2 THE WITNESS: So do I answer
3 this or not?

4 MR. MURRAY: Yes, you can
5 answer.

6 Q (By Mr. Leedom) Yes.

7 A I'd request information from the client -- in this
8 case, Tobacco Institute -- on any specific issue,
9 because again, I'm a lobbyist and I'm not a
10 scientist or a medical professional.

11 Q Okay.

12 MR. LEEDOM: I think you have
13 that one.

14 MR. BUTLER: Yes.

15 MR. LEEDOM: Mr. Jacobi, I'm
16 sorry to report that I don't have another copy,
17 but I believe Mr. Butler probably has it committed
18 to memory, so maybe he could share.

19 MR. JACOBI: I suspect he does.

20 MR. LEEDOM: This would be
21 Exhibit 1237?

22 THE REPORTER: Yes.

23 MR. LEEDOM: Thank you.

24 (Exhibit No. 1237 marked
25 for identification.)

TINY 0001400

103

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q (By Mr. Leedom) Showing you, Mr. Fritz, Exhibit
2 1237, which is a February 1995 Philip Morris USA
3 Corporate Affairs Department Issues Handbook --

4 A Yes.

5 Q -- which we obtained from Mr. Ducharme, who is the
6 lobbyist for Philip Morris, have you ever seen
7 this document before?

8 A No.

9 Q Let me ask you about a couple of things in here.

10 MR. BUTLER: Counsel, may I have
11 a continuing objection to foundation --

12 MR. LEEDOM: You may.

13 MR. BUTLER: -- as to the
14 witness's competence?

15 So all questions relating to this document I
16 object to on lack of foundation for purposes of
17 questions relating to it.

18 MR. LEEDOM: On the basis that
19 he hasn't seen it before?

20 MR. BUTLER: Yes.

21 Q (By Mr. Leedom) All right. Mr. Fritz, go to
22 Page 4.

23 A Smoking and health?

24 Q Yes.

25 A Uh-huh. (Witness answers positively.)

TINY 0001401

104

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q I want to ask you a couple of things about this
2 Philip Morris document. The first sentence
3 indicates, quote, "It is -- "

4 MR. MURRAY: I'm sorry to
5 interrupt. My copy doesn't have a Page 4 on it.

6 MR. LEEDOM: It's on the bottom.
7 It's --

8 MR. MURRAY: Oh, I'm sorry, the
9 Bates stamp 4.

10 MR. LEEDOM: The Bates stamp,
11 because otherwise it doesn't have numbers.

12 MR. MURRAY: Got you.

13 Q (By Mr. Leedom) On the bottom, Page 4, "Smoking
14 and Health, Executive Summary," quote: "It is
15 commonly acknowledged that smoking is a risk
16 factor for certain human diseases," end quote.

17 Is that something you believe?

18 A Yes.

19 Q Okay. Now, did you communicate that belief to any
20 legislator during the time frame, the 18 years
21 we're talking about?

22 A Probably did in prefacing -- as a preface to
23 remarks.

24 Again, going back to my statement that I
25 believe that I have never stated that smoking is

TINY 0001402

105

William J. Fritz, 6/12/98 - by Mr. Leedom

1 good for you, and that as far as harmful effects,
2 I've always stated and believed that it varies
3 from person to person as to risk factors or -- or
4 harm.

5 Q Looking at the Philip Morris USA position, there
6 is a reference to the 1964 Surgeon General's
7 report.

8 Have you ever read any of the Surgeon General
9 reports?

10 A Portions of it; baloney.

11 Q And what do you understand to be the position of
12 the Surgeon General with respect to whether or not
13 tobacco products cause disease, including cancer,
14 in human beings that use those products?

15 A He's a true believer in his position that it has
16 all those harmful effects.

17 Q And you disagree with the Surgeon General; is that
18 correct?

19 A Yes.

20 Q Now, in fact, in the first paragraph of the Philip
21 Morris USA position, it indicates, quote, "While
22 we disagree with many of the statements and
23 conclusions of the reports, we do recognize
24 cigarette smoking as a risk factor for certain
25 diseases," end quote.

TINY 0001403

106

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Is that your belief?

2 A Yes.

3 Q Is that the belief that you have advocated on
4 behalf of the Tobacco Institute?

5 MR. MURRAY: Objection to form.

6 A That's pretty broad. Yeah, if asked, yes.

7 Q (By Mr. Leedom) And have you been asked about
8 that?

9 A I don't recall, but perhaps I have.

10 Q Turn to Page 6, "Consumer Excise Taxes."

11 A (Witness complies.)

12 Q Paragraph 2 of the executive summary, quote:
13 "Philip Morris USA strongly opposes cigarette
14 excise taxes for several reasons," period, end
15 quote, and then some reasons are given.

16 The Tobacco Institute also strongly opposes
17 cigarette excise taxes and has throughout your
18 18-year tenure as the representative of the
19 Institute in the state of Washington?

20 A Oh, that's a question, based upon this here?
21 You're not reading about -- I didn't see anything
22 about TI in here, but --

23 MR. MURRAY: Counsel, I had the
24 same reaction. I thought you were reading it.

25 MR. LEEDOM: I did.

TINY 0001404

107

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q (By Mr. Leedom) I read the Philip Morris
2 position, and I changed the question to whether or
3 not that has been a position you have advocated on
4 behalf of TI --

5 A Yes.

6 Q -- for the 18 years.

7 A Essentially, yes.

8 Q On Page 14, "Social Cost" --

9 A Okay.

10 Q -- the executive summary reads, quote: "Some
11 anti-smoking critics -- "

12 A Excuse me, I'm on the wrong page. I've got Page
13 14 mixed up with 19.

14 Q Sorry.

15 A Your 14 in the large type, right?

16 Q In the bottom right-hand corner.

17 A Okay.

18 Q Do you have it, "Social Cost"?

19 A Uh-huh. (Witness answers positively.)

20 Q Quote: "Some anti-smoking critics claim that
21 cigarette smoking imposes an alleged social cost
22 on society," end quote.

23 Now, have you ever made any determination as
24 to the health care cost in the state of Washington
25 due to tobacco-related illness and disease?

TINY 0001405

108

William J. Fritz, 6/12/98 - by Mr. Leedom

1 MR. MURRAY: Objection to form.

2 MR. BUTLER: Object; lacks
3 foundation, beyond the competence of the witness.

4 A I, again, would not have made such a study, no.

5 Q (By Mr. Leedom) Have you ever received any
6 information from any source concerning the cost to
7 the state of Washington, in terms of health care
8 cost, for tobacco-related illness and disease?

9 A No.

10 Q Why did you not feel that that was important to
11 do, in view of your opposition to increasing the
12 excise taxes on tobacco products?

13 MR. BUTLER: Objection; beyond
14 the scope.

15 A Can you restate your question again?

16 MR. LEEDOM: I'll have her read
17 it back.

18 (Question on Page 109, Lines
19 10 through 12, read by the
20 reporter.)

21
22 A I was in no position to conduct such a study, and
23 I didn't have the expertise to do so.

24 Q (By Mr. Leedom) Did you ask the Tobacco Institute
25 if they would provide you with information on the

TINY 0001406

109

William J. Fritz, 6/12/98 - by Mr. Leedom

1 health care costs of tobacco-related disease and
2 illness?

3 A No.

4 Q Why did you not do that?

5 A I -- I had seen general information and
6 publications to the effect that the -- because of
7 the fact that smokers are taxed so heavily, that
8 they pay their way in terms of health care. This
9 is just general statements.

10 Q That's your fair share argument?

11 MR. MURRAY: Objection to form.

12 Q (By Mr. Leedom) Didn't you allude to that before,
13 that the smokers should pay their fair share?

14 A I can't pinpoint exactly where, but I know that
15 one argument that has been advanced, and I've
16 never done this, was that if people are dying
17 earlier from smoking, they're actually saving the
18 Social Security system money.

19 I've heard things like that, I've heard --
20 nothing specific on the state of Washington.

21 Q Have you ever made the argument to any legislator
22 that because tobacco products result in premature
23 death of individual smokers, that it is saving
24 money for the Social Security system or any
25 State-funded program?

TINY 0001407

110

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A No.

2 Q Why have you not made that argument?

3 A Well, I think it's --

4 MR. BUTLER: Objection; it's

5 beyond the scope.

6 A The State is not involved in the federal social
7 security program, for one thing. And I do believe
8 that smokers pay their way in terms of other
9 costs.

10 Q (By Mr. Leedom) Well, that's what I was asking
11 about. You have done no investigation or
12 research, as I understand it, to determine what
13 the actual cost is of tobacco-related illness and
14 disease in the state of Washington, correct?

15 A That's correct.

16 Q So since you don't know what the cost is, how can
17 you say that the users of tobacco products pay
18 their fair share?

19 A In terms of equity, if there is a program that
20 benefits -- such as the Basic Health Care Program,
21 that benefits all the people, then all the people
22 should pay for it. But in this particular case in
23 this state, a very heavy regressive tax is imposed
24 upon users of tobacco products to pay for a
25 program that is of general benefit.

TINY 0001408

111

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q Have you ever discussed with any legislator the
2 issue of whether or not the health care costs to
3 the state of Washington are, in fact, increased by
4 payment for smoking-related illness and disease?

5 MR. BUTLER: Objection; asked
6 and answered.

7 A No, but legislators have pointed this out to me in
8 various pieces of propaganda put out by the state
9 health department.

10 Q (By Mr. Leedom) So you think it's propaganda that
11 the state health department puts out?

12 A Of course.

13 Q Why do you say that?

14 A It's self-serving.

15 Q What are they trying to serve?

16 A They're trying to generate support for their
17 position on tobacco and a number of other issues
18 and to justify an ever-increasing budget and more
19 control and more regulation.

20 Q Mr. Fritz, do you believe that tobacco-related
21 illness and disease costs the State a significant
22 amount of money each year?

23 MR. MURRAY: Objection; outside
24 the scope.

25 MR. BUTLER: And lacks

TINY 0001409

112

William J. Fritz, 6/12/98 - by Mr. Leedom

1 foundation.

2 A I have no way of knowing that.

3 Q (By Mr. Leedom) You have never investigated that?

4 A I have just seen their claims, "their" being the
5 State's claims.

6 Q You have never discussed that with any legislator?

7 A No.

8 Q Did you ever seek any information from the Tobacco
9 Institute, your client, concerning the actual
10 health care costs for tobacco-related illness and
11 disease?

12 A No --

13 MR. BUTLER: Objection.

14 THE WITNESS: Excuse me?

15 MR. BUTLER: Objection as to
16 form, asked and answered.

17 Q (By Mr. Leedom) Go to Page 20 if you would,
18 Mr. Fritz, 20 on the bottom right-hand corner,
19 dealing with addiction.

20 A (Witness complies.) Okay.

21 Q Paragraph 2 of the executive summary indicates,
22 quote, "Philip Morris believes that nicotine is
23 not addictive," period, end quote.

24 What's the position of the Tobacco Institute
25 with respect to whether or not nicotine is

TINY 0001410

113

William J. Fritz, 6/12/98 - by Mr. Leedom

1 addictive?

2 MR. MURRAY: Objection; asked
3 and answered, and it's outside the scope.

4 MR. BUTLER: Join in the
5 objection.

6 Q (By Mr. Leedom) Go ahead.

7 A I can't recall that they've taken a position on
8 addiction -- I mean on the addictive properties.
9 I have my own personal opinions.

10 Q Which you have given us, correct?

11 A Yes.

12 MR. MURRAY: Correct.

13 Q (By Mr. Leedom) So are you saying that you do not
14 know the position of the Tobacco Institute?

15 A I do not know it as a matter of fact.

16 I would suspect that if this is the position
17 that Philip Morris has taken and other companies,
18 that that would -- it would logically follow that
19 would be the position of TI.

20 Q Is the Tobacco Institute the agent of the various
21 individual companies that form the Institute,
22 including Philip Morris, RJR, Liggett, Lorillard,
23 Brown and Williamson?

24 MR. BUTLER: Object --

25 MR. MURRAY: Objection to form,

TINY 0001411

114

William J. Fritz, 6/12/98 - by Mr. Leedom

1 calls for a legal conclusion.

2 MR. BUTLER: Join in the
3 objection.

4 A They -- they -- I don't know about being an agent
5 for. They are a trade association, formed to
6 represent the views and the positions of the
7 industry and to respond to industry challenges or
8 requests, or what have you; same as other -- any
9 other trade association.

10 Q (By Mr. Leedom) Does the Tobacco Institute, in
11 fact, conduct research on tobacco-related issues?

12 A I have no idea.

13 Q Now, other than your role on behalf of the Tobacco
14 Institute for 18 years in the state of Washington,
15 has the Tobacco Institute performed any other acts
16 or engaged in any other activities within the
17 state of Washington in the 18 years that you have
18 worked for them?

19 MR. MURRAY: Objection to form.

20 MR. BUTLER: And lacks
21 foundation.

22 A Activities?

23 Q (By Mr. Leedom) Yes.

24 A What do you mean?

25 Q For example, did the Tobacco Institute have any

TINY 0001412

115

William J. Fritz, 6/12/98 - by Mr. Leedom

1 meetings, seminars, gatherings in the state of
2 Washington in the last -- in the 18-year period
3 that you have worked for them?

4 A We have had tobacco industry lobbyist meetings
5 within the state.

6 Q Within the state of Washington?

7 A Yeah, the lobbyists that work this state.

8 Q In addition, has the Tobacco Institute provided
9 materials to you that you have requested on such
10 subjects as environmental tobacco smoke, excise
11 taxes?

12 A Yes.

13 Q And the Tobacco Institute is headquartered in
14 Washington, D.C.?

15 A Yes.

16 Q And representatives of the Tobacco Institute, the
17 regional director people that you've named
18 earlier, they've been here to the state of
19 Washington to meet with you?

20 A Yes.

21 Q And to communicate the views of the Tobacco
22 Institute to you?

23 A Yes.

24 Q Other than you personally, have there been any
25 other individual representatives of the Tobacco

TINY 0001413

116

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Institute in the state of Washington during that
2 18-year period?

3 MR. MURRAY: Objection to form.

4 MR. BUTLER: And I assume you're
5 halting that inquiry as of June 6, 1996?

6 MR. LEEDOM: Yes.

7 Q (By Mr. Leedom) The question may not have been a
8 good one.

9 You told us you were the lobbyist from '79
10 until '96 --

11 A Yes.

12 Q -- for the Tobacco Institute in the state of
13 Washington.

14 I'm trying to find out, were there any other
15 agents, employees, functionaries, operatives of
16 the Tobacco Institute in the state of Washington
17 in that 16-year period --

18 MR. MURRAY: Objection to form.

19 Q (By Mr. Leedom) -- for any subject?

20 A Since '96, there was Mr. Wahby and Mr. Howell, who
21 were the regional directors.

22 Q But prior to that time?

23 A Yes.

24 Q And who would that be?

25 A The regional directors.

TINY 0001414

117

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q Okay. Did they actually live in the state of
2 Washington?

3 A One did, the rest did not.

4 Q Now, did you attend meetings which were held and
5 sponsored by the Tobacco Institute during which
6 attorneys would be present, attorneys for the
7 Tobacco Institute?

8 A Yes.

9 Q And without telling me what the attorneys
10 necessarily said, would the attorneys make
11 presentations on behalf of the Institute to you as
12 a lobbyist for the Institute?

13 MR. MURRAY: You can answer --

14 Q (By Mr. Leedom) That's a "yes" or "no."

15 MR. MURRAY: You can answer that
16 question "yes" or "no."

17 A Yes.

18 Q (By Mr. Leedom) Can you identify the attorneys,
19 any attorneys, who made presentations to you on
20 behalf of the Tobacco Institute?

21 MR. MURRAY: Mr. Fritz, I
22 instruct you not to answer which attorneys made
23 presentations. You may answer the question, if
24 Mr. Leedom wants to ask it, of which attorneys
25 were present.

TINY 0001415

118

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A By name?

2 Q (By Mr. Leedom) Yes.

3 MR. MURRAY: Yes.

4 A The one that sticks out in my mind is Mr. Keith
5 Teel with Covington and Burling.

6 Q (By Mr. Leedom) And can you name -- tell me the
7 dates and times when Mr. Teel made presentations
8 to you on behalf of the Tobacco Institute?

9 MR. MURRAY: You can answer that
10 question as to date and time, to the best of your
11 ability.

12 A Almost every annual meeting of TI lobbyists,
13 Mr. Teel or a representative of his law firm would
14 give us a briefing on what's what in the legal
15 sense.

16 Q (By Mr. Leedom) Okay. Were any of these meetings
17 or briefings held in the state of Washington?

18 MR. MURRAY: You can answer that
19 question.

20 A Not by Mr. -- not by Mr. Teel.

21 Q (By Mr. Leedom) Did you ever meet in the state of
22 Washington with Mr. Teel concerning Tobacco
23 Institute business?

24 MR. MURRAY: You can answer that
25 "yes" or "no."

TINY 0001416

119

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A No.

2 Q (By Mr. Leedom) Did you meet with the regional
3 directors that you identified for the Tobacco
4 Institute in the state of Washington concerning
5 Tobacco Institute issues?

6 A Yes.

7 Q Was that on a regular basis?

8 A It was on an as-needed basis, primarily.

9 MR. MURRAY: Counsel, I'm
10 thinking that if we can get done by 1:00 or so, we
11 should keep moving.

12 MR. LEEDOM: I agree.

13 Q (By Mr. Leedom) Would you turn to Page 46?

14 A (Witness complies.)

15 Q And that relates to marketing practices,
16 allegations concerning marketing to youth.

17 A Uh-huh. (Witness answers positively.)

18 Q Look at the executive summary, Paragraph 2.

19 Quote: "Philip Morris USA does not market
20 cigarettes to minors," end quote.

21 First of all, do you know whether or not
22 that's a true statement?

23 MR. BUTLER: Objection. In
24 addition to my foundational objection respecting
25 the document, lacks foundation generally, lacks --

TINY 0001417

120

William J. Fritz, 6/12/98 - by Mr. Leedom

1 and object to the form.

2 A I can't answer questions about any of the
3 companies' marketing practices any more so than
4 any citizen on the street. I don't know. I'm not
5 privy to their marketing practices.

6 Q (By Mr. Leedom) You don't know what the marketing
7 practices are of any of the members of the Tobacco
8 Institute?

9 A I'm going to answer -- perhaps rephrasing. I see
10 billboards, as you do, I see newspaper ads, as you
11 do, I see magazine ads, as anybody does. That's
12 the extent of my knowledge of their marketing
13 practices or their logos on race cars or whatever
14 it might be that I see on television.

15 Q Have you heard, from any source, the allegation
16 that the tobacco companies that make up the
17 Tobacco Institute target minors or youth in their
18 advertising and marketing practices?

19 A I have heard that.

20 Q Have you investigated that to determine whether or
21 not that is true or not true?

22 A No, I haven't.

23 Q Do you personally believe it's true or not true?

24 MR. MURRAY: Objection to scope.

25 MR. BUTLER: Objection --

TINY 0001418

121

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A You want my personal opinion by what I've read or
2 heard, and by definition, I don't think they do
3 market to -- to minors.

4 Q (By Mr. Leedom) And why do you say that?

5 MR. BUTLER: Same objection.

6 A Because of the experience that I've had in, again,
7 going back to the advertising issues, whether it's
8 alcohol beverages or tobacco. Number one, I think
9 there is a false assumption about the effects of
10 advertising on young people, and number two, I
11 have never seen, other than what's been claimed
12 and what I've read about, that there are any
13 secret documents or any heinous publications that
14 direct companies to market to youth.

15 Q (By Mr. Leedom) You're familiar with the Joe
16 Camel program?

17 A Yes.

18 Q Do you think the Joe Camel program was designed to
19 market to youth and people under the age of 18?

20 A Absolutely not.

21 MR. MURRAY: Objection; outside
22 the scope.

23 THE WITNESS: My personal --

24 MR. BUTLER: I'll join in the
25 objection; lack of foundation, outside the scope.

TINY 0001419

122

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A My personal opinion, no.

2 Q (By Mr. Leedom) And why is that your opinion?

3 MR. BUTLER: Same objections.

4 A It's a personal opinion. I don't think Joe Camel

5 is necessarily a cute, cuddly animal that would

6 appeal to youth. There are other commercials

7 where product -- with a logo or some symbol that

8 might, but I don't think that Joe Camel is one

9 that would.

10 Q (By Mr. Leedom) What are the ones that would, in

11 your opinion?

12 MR. MURRAY: Objection to scope.

13 MR. BUTLER: Same objection.

14 A The Hamms Beer bear.

15 Q (By Mr. Leedom) I'm talking about tobacco

16 products.

17 A Okay. I don't know of any in tobacco.

18 Q Now, you mentioned documents, secret documents.

19 Have you been provided with any documents by any

20 person concerning the issue of whether or not

21 tobacco companies sought out those under the age

22 of 18 as their customers for their tobacco

23 products?

24 A No.

25 Q Have you asked to see any such documents?

TINY 0001420

123

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A No.

2 Q During the time you were a legislator for --

3 excuse me, a lobbyist for TI, the Tobacco

4 Institute, did you -- were you at any time

5 provided with documents which demonstrated that

6 any of the members of the Institute were marketing

7 to children?

8 A No.

9 Q Why didn't you ask for documents concerning

10 whether or not the companies that form the

11 Institute were marketing to children?

12 MR. MURRAY: Objection to form

13 and foundation.

14 MR. BUTLER: Objection; assumes

15 facts not in evidence, foundation and form.

16 A Why didn't I ask for such documents? Because

17 there was no need to, and it was not my place to.

18 Q (By Mr. Leedom) Well, you were communicating with

19 lobbyists on issues of youth access -- other

20 lobbyists?

21 A Legislators or lobbyists.

22 Q Right? You were talking to lobbyists, you were

23 talking to legislators, committee members and the

24 like, on issues of youth access, correct?

25 A Uh-huh. (Witness answers positively.)

TINY 0001421

124

William J. Fritz, 6/12/98 - by Mr. Leedom

1 Q Now, as a lobbyist for the Tobacco Institute, why
2 did you not ask for documents dealing with the
3 issue of whether or not the tobacco companies
4 were, in fact, targeting minors and marketing to
5 minors of tobacco products?

6 MR. BUTLER: Objection; assumes
7 facts not in evidence, objection to form, lacks
8 foundation.

9 A Because I didn't believe in the claims that they
10 were.

11 Q (By Mr. Leedom) I want you to assume that there
12 are documents that we've all, in this room, seen,
13 which indicate that certain of the tobacco
14 companies in fact studied ways in which to attract
15 those under the age of 18 to the use of tobacco
16 products, those that were 14 years old, 12 years
17 old, grade school kids. I want you to assume
18 those are in existence and will, in fact, be in
19 evidence in this case.

20 A I have heard --

21 MR. MURRAY: Wait for the
22 question.

23 Q (By Mr. Leedom) Let me finish my question.

24 A All right. Okay.

25 Q Have you, yourself, heard that such documents do,

TINY 0001422

125

William J. Fritz, 6/12/98 - by Mr. Leedom

1 in fact, exist?

2 MR. BUTLER: Objection --

3 MR. MURRAY: Objection to form.

4 And, Your Honor, I move to strike the preface.

5 MR. BUTLER: Yeah, I move to
6 strike the preface, assumes facts not in evidence,
7 object to form, it's beyond the scope permitted by
8 the court.

9 Q (By Mr. Leedom) Go ahead.

10 A I go back to the fact that I haven't had a dog in
11 this fight since last November, but I have read
12 since then about some documents that have -- have
13 come to the surface that ostensibly could be
14 construed to say that they were trying to do what
15 you say about marketing to youth, but I've never
16 seen such a document.

17 Q My question is, Mr. Fritz, did you ever ask for
18 such documents during the time that you were the
19 lobbyist for the Tobacco Institute?

20 MR. MURRAY: Objection. That
21 wasn't the question, and that question has been
22 asked and answered.

23 MR. BUTLER: And I'll renew my
24 objection; it's beyond the scope and assuming
25 facts not in evidence.

TINY 0001423

126

William J. Fritz, 6/12/98 - by Mr. Leedom

1 A No.

2 Q (By Mr. Leedom) Now, back when you were a
3 lobbyist for the Tobacco Institute, did you hear
4 allegations from the anti-tobacco group that you
5 have spoken of that, in fact, minors were being
6 targeted by advertising to use tobacco products?

7 A As long as I've been involved with the industry
8 and as long as I have been aware of the stuff put
9 out by the critics -- that is, the information and
10 stuff -- that's always been a claim.

11 Q Now, at any time, did you ever ask the Tobacco
12 Institute to either verify or disprove the claim
13 that minors were being targeted?

14 A No.

15 Q Why not?

16 A Because the truth, in my mind, was self-evident.

17 Q What was the truth that was self-evident?

18 A Because I have never seen any tobacco advertising
19 or promotional activity that I felt was aimed at
20 underage people.

21 Q But why didn't you ask the Tobacco Institute if
22 they had such information so that you could
23 evaluate it in your communications with
24 legislators?

25 MR. MURRAY: Objection to form

TINY 0001424

127

William J. Fritz, 6/12/98 - by Mr. Leedom

1 and foundation now.

2 MR. BUTLER: And asked and
3 answered.

4 A It wasn't pertinent to what I did.

5 Q (By Mr. Leedom) Well, you were in the position
6 representing the Institute, or in affiliation with
7 the Neighborhood Stores, to opposing certain
8 legislative proposals which would limit youth
9 access to tobacco products, correct?

10 A Uh-huh. (Witness answers positively.)

11 Q So why didn't you go out to find out whether or
12 not the companies that were the members of the
13 Institute were, in fact, targeting minors so that
14 you could intelligently determine what the
15 opposition was doing on that issue?

16 MR. MURRAY: Objection to form.

17 MR. BUTLER: Objection -- and
18 it's argumentative at this point.

19 A Because everything that I saw and observed was
20 contrary to what you are claiming; again, the "we
21 card" program, the support for the banning of
22 single cigarette sales, the personal belief that
23 Joe Camel is not a fuzzy, cuddly, kid-type animal,
24 I just didn't see -- there was no relationship.

25 MR. BUTLER: Counsel, if we're

TINY 0001425

128

William J. Fritz, 6/12/98 - by Mr. Leedom

1 going to go straight through, can we take a
2 five-minute break at this point?

3 MR. LEEDOM: Yes, we may.

4 THE VIDEOGRAPHER: We're going
5 off the record at 12:13.

6 (Recess at 12:13 p.m.)

7
8 THE VIDEOGRAPHER: We are back
9 on the record at 12:19.

10
11
12 EXAMINATION (Continuing)

13 BY MR. LEEDOM:

14 Q Mr. Fritz, your relationship with TI was
15 terminated in the fall of 1997, correct?

16 A November, yes.

17 Q Why was it terminated?

18 MR. MURRAY: I'm going to
19 object. It's outside the scope of -- I don't
20 think you have to answer that if you don't want
21 to.

22 Q (By Mr. Leedom) Go ahead.

23 A They chose not to renew the contract.

24 Q Did they say why?

25 MR. MURRAY: Objection; outside

TINY 0001426

129

William J. Fritz, 6/12/98 - by Mr. Leedom

1 the scope.

2 If you want to, it's up to you. I really
3 don't think you have to, but it's up to you.

4 A Budgetary reasons.

5 Q (By Mr. Leedom) Budgetary reasons.

6 A Uh-huh. (Witness answers positively.)

7 Q What do you mean by that?

8 A I don't know. They never explained it to me.

9 Q They told you that they were not going to renew
10 your contract because of the cost?

11 MR. MURRAY: Wait. I'm going
12 to -- you can answer that question.

13 A Yes.

14 Q (By Mr. Leedom) Did they hire somebody else?

15 MR. MURRAY: I'm going to -- I'm
16 going to instruct you not to -- well, I can't
17 instruct you not to answer, but I'm saying to
18 Mr. Leedom that this is beyond the scope and I
19 will adjourn the deposition if -- I think if we
20 should do this, we should move it to the end.

21 Q (By Mr. Leedom) Well, can you answer that one
22 question?

23 MR. MURRAY: I'm sorry, what was
24 the question?

25 MR. LEEDOM: Whether they hired

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 somebody else.

2 MR. MURRAY: Sure, go ahead.

3 A Yes.

4 Q (By Mr. Leedom) Now --

5 MR. LEEDOM: Let me have this
6 marked.

7
8 (This portion of the transcript, Pages 132 to 162,
9 was sealed and marked as confidential.)

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1 (End of sealed and confidential portion of the
2 transcript.)

3 Q (By Mr. Leedom) Okay. Now, Mr. Fritz, let me ask
4 you a few more questions about your efforts to
5 comply with the subpoena duces tecum.

6 You provided me with some pages here, looks
7 like 56 pages of documents, and then there is a
8 second set, looks like an additional -- they're
9 not stamped or numbered, so maybe another 15 or 20
10 pages.

11 What are these documents that you have
12 produced --

13 A Okay.

14 Q -- in general?

15 A The documents are the forms that lobbyists are
16 required to fill out and file with the Public
17 Disclosure Commission, as to who our -- who we
18 represent, who our clients are, and what our fees
19 are and the general nature of their areas of
20 interest.

21 I haven't -- I have the one thick stack. I
22 haven't seen the second stack, but I assume that's
23 our expense reporting for those trips that I took
24 back to lobbyist meetings for TI.

25 MR. MURRAY: Actually, Counsel,

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 let me make a representation that the source of
2 the confusion is Mr. Fritz faxed us over pages
3 relevant just to tobacco. I faxed you those as
4 soon as I got them and then later got full sets
5 and got those over to you. That's the only reason
6 for the two sets.

7 MR. LEEDOM: Thank you very
8 much.

9 Q (By Mr. Leedom) And these are all the records you
10 have that were responsive to the subpoena?

11 A Correct.

12 Q Now, in 1995, there were a number of issues before
13 the legislature concerning tobacco, tobacco
14 products, smoking, smoking regulation. I want to
15 ask you a couple questions about that.

16 There was a house bill -- the number was 1817,
17 if that means anything to you -- called the Repeal
18 of Health Care Reform Taxes, and it was a proposal
19 to delete 1995 tax increases on cigarettes, among
20 other things, which were dedicated to the health
21 services account.

22 Do you recall that issue?

23 A Yes.

24 Q And did you take a position on behalf of the
25 Tobacco Institute on that subject?

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 A No.

2 Q Did you talk a position on behalf -- or along with
3 the Neighborhood Stores group?

4 A No.

5 Q Okay. In 1995, there was a Senate Bill 5681,
6 providing penalties for illegal activities
7 involving tobacco, increasing penalties for sale
8 of tobacco to a minor, and directing the Liquor
9 Control Board to provide staff and assistance to
10 local agencies to conduct inspections to assure
11 compliance.

12 Do you recall that particular bill?

13 A I recall that TI had asked me to be supportive
14 of changing -- of increasing the enforcement
15 authority of the liquor board and changing the
16 authority for collection of cigarette taxes to the
17 liquor board from the Department of Revenue. And
18 I don't know if it was in that bill or several
19 bills, but that was the official position.

20 Q What position did the Tobacco Institute take with
21 respect to those bills which would strengthen
22 penalties for sales to minors?

23 A If that was in conjunction with increasing the
24 enforcement authority, I think we would have
25 supported that.

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 Again, I'd have to read the particular bill,
2 you know, and the language in it, but as I say, as
3 a general proposition, the Tobacco Institute and
4 the member companies supported efforts to enhance
5 enforcement of underage smoking.

6 Q Now, the information we have, so you can take it
7 for what it's worth, is that that particular bill
8 in 1995 failed due to heavy lobbying by the
9 tobacco industry.

10 Do you know anything about that?

11 MR. BUTLER: Objection; assumes
12 facts not in evidence, calls for speculation.

13 Q (By Mr. Leedom) Just a question; you may or may
14 not agree with that.

15 A If I could see the bill and see who the sponsors
16 are, I could be more direct in my answers. There
17 were so many bills.

18 Q So your testimony today is you don't recall the
19 position of the industry, the Tobacco Institute,
20 other than to support the more enforcement by the
21 Liquor Control Board?

22 A That was our -- our general, basic marching order,
23 or policy order, is to -- if you can enhance the
24 enforcement of -- of illegal sales to minors, do
25 so. And then we did support the shifting of

TINY 0001432

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 the -- of the tax collection to the board.

2 I think that was basically the position of the
3 Neighborhood Stores.

4 Q Now, in 1994, the Department of Labor & Industries
5 implemented regulations which would prohibit
6 smoking in the workplace. And you're familiar
7 with those regulations?

8 A Uh-huh. (Witness answers positively.)

9 Q You have to say "yes."

10 A Yes.

11 Q And is it true that the Tobacco Institute, among
12 others, have attempted to oppose this particular
13 set of regulations from the time they were first
14 announced by the Department of Labor & Industries?

15 A Yes, but we proposed alternatives.

16 Q Is it true that up until June of 1996, which is
17 the relevant time period for inquiry here, that
18 the tobacco industry has always opposed
19 regulations which would prohibit smoking in the
20 workplace?

21 A I don't know about the use of the term "always."

22 In response, I would say that on most of the
23 specific issues that I -- that I recall and that I
24 worked on, we were opposed to blanket prohibitions
25 and suggested that there were alternative methods

1 for providing clean indoor air.

2 Q Do you know who Victor Crawford was?

3 A I have no idea.

4 Q If I told you he was a lobbyist for the tobacco
5 industry who worked out of Maryland, would that
6 refresh your memory?

7 A I have no idea, no recollection. I've never heard
8 that name.

9 Q Ever see him on television before he died?

10 A (Witness shakes head.)

11 Q I'll refresh your memory, maybe --

12 MR. MURRAY: You have to answer
13 audibly. Was that a "no"?

14 A No, I -- no.

15 Q (By Mr. Leedom) This is a former tobacco lobbyist
16 who came out and made some statements that the
17 tobacco industry had lied to the public, that he
18 had done so on behalf of the industry, and that
19 the tobacco industry was after the children, the
20 kids, as their customers, future customers. And
21 there was quite a bit of publicity about this back
22 in '94 and '95 and '96, and then he passed away of
23 a tobacco-related illness shortly thereafter.

24 Does that refresh your memory about this man
25 at all?

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 MR. MURRAY: Objection to form.

2 MR. BUTLER: Join in the

3 objection, move to strike the preface.

4 A Vague recollections, but I wasn't that interested,
5 I guess.

6 Q (By Mr. Leedom) Do you believe that you have ever
7 been asked to lie on behalf of the tobacco
8 industry?

9 A Absolutely not.

10 Q Do you believe you --

11 A I have never been asked to lie.

12 That's a difficult -- the way you phrased the
13 question. I have never been asked to lie, nor
14 have I lied.

15 Q And in terms of deceive, have you ever been asked
16 by the tobacco industry, the Institute, or
17 individual companies to make representations which
18 you knew to be deceptive and deceitful?

19 A No. No, I have not, nor would I.

20 Q Mr. Fritz, when was it that you first concluded,
21 as you have said here today, that tobacco
22 products, in some cases, can cause illness or
23 disease to individual users?

24 A Well, I think that started with my high school
25 football coach, when he used to tell me it was

TINY 0001435

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 harmful to my health and my mom used to say it
2 would stunt my growth. And I can't remember a
3 time when the hazards and warnings about smoking
4 weren't being presented to me.

5 I don't know if that answers your question.
6 Again, I'll go -- I think I said before, I never
7 believed that it was good for you, but I just --
8 all the question marks in my mind are the degree
9 of harm and to whom or whom -- whoever might be
10 harmed by the product.

11 Q Has your -- I'm sorry?

12 A By the product.

13 Q Has your belief as to the harmful nature of
14 tobacco products changed since you first heard
15 about the harmful effects of tobacco products when
16 you were in high school?

17 A No -- well, yes. My degree of -- let's say I'm
18 more -- more suspect of all the statistics and the
19 credibility of various sources with vested
20 interests than I was before.

21 I used to think it was just sort of a nanny,
22 benevolent, "Don't smoke, it will hurt you," that
23 type of thing. Now I see the money that generates
24 the anti-smoking activities and the money that
25 motivates a lot of the health organizations to get

TINY 0001436

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 involved in this, and it makes me very skeptical.

2 Q Skeptical of what?

3 A Of their motives.

4 Q What do you think their motives are?

5 A Money.

6 Q What are they going to do with the money?

7 MR. MURRAY: Object to form.

8 Q (By Mr. Leedom) Or explain that. Explain what
9 you mean by that.

10 A There is a whole sector of our society that
11 derives their livelihood off of government and
12 private grants that are dedicated to the
13 anti-tobacco crusade. And I often wondered what
14 would happen after the Salk vaccine was invented
15 to all those people that derived their livelihood
16 off polio.

17 Now I know; they shift it into anti-tobacco.
18 It's always been that way. The folks that -- you
19 follow the money trail on these issues and -- I
20 guess I'm jaded, but always looked at the money
21 trail, including the trial attorneys.

22 MR. MURRAY: Move to strike as
23 nonresponsive.

24 Q (By Mr. Leedom) Do you think that the Tobacco
25 Institute and the members of the Tobacco

TINY 0001437

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 Institute, the individual tobacco companies that
2 you worked for for 18 years, were, likewise,
3 following the money trail with respect to their
4 tobacco products?

5 MR. MURRAY: Objection to scope.

6 MR. BUTLER: Same objection.

7 A It is a natural economic law for profit making
8 organizations to follow the money trail, to seek
9 to make a profit.

10 I respectfully refer to the state pension fund
11 as an example of where overtures in legislation
12 have been introduced to urge them to divest
13 themselves of tobacco company stock, but those
14 overtures have been overridden by the economic
15 forces, if you will, to make money for the pension
16 fund.

17 MR. LEEDOM: I move to strike
18 before the words "I refer to the State pension
19 fund --" excuse me, everything after I refer to
20 the words -- "I refer to the state pension fund" I
21 move to strike, just to be clear for the record.

22 Q (By Mr. Leedom) You said it's a natural economic
23 law for businesses to seek profit from the sale of
24 their products and to follow the money trail.

25 Is that what you think that the tobacco

TINY 0001438

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 companies did, and continue to do, throughout the
2 time that you were serving as the representative
3 of the tobacco industry in the state of
4 Washington?

5 MR. MURRAY: Objection to scope,
6 asked and answered.

7 MR. BUTLER: Join in the
8 objection.

9 A I would think that their stockholders would be
10 very upset with them if they did not seek to make
11 a profit.

12 Q (By Mr. Leedom) Now, did you -- in advocating the
13 position of the tobacco industry in the state of
14 Washington for the 16 years in question, did you
15 tell legislators that the Tobacco Institute and
16 the companies that operate the Institute were
17 following the money trail and were seeking a
18 profit in the sale of their products, the tobacco
19 products?

20 A There was no need to state the obvious, that they
21 were operating to make a profit.

22 Q Was it also the obvious that the reason why the
23 tobacco companies opposed any increase in excise
24 taxes, for example, was because they felt that
25 would reduce the profits that their shareholders

TINY 0001439

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 would benefit by because the sales would be
2 reduced?

3 MR. BUTLER: Objection; lacks
4 foundation.

5 A I would not be in a position to judge that.

6 From what I understand about the industry,
7 their export sales of -- keep -- continue to
8 increase, no matter what. I think they were
9 concerned about the tobacco farmers to some extent
10 and what they could pay them, but their economics
11 are -- their concern for the taxes was not
12 motivated primarily by reduced sales, because
13 their sales are still being done to military
14 reservations and Indian -- Indian nations.

15 Q (By Mr. Leedom) Now, wait a minute. Wouldn't you
16 agree that the opposition of the tobacco companies
17 to an increase in state excise taxes was motivated
18 solely for profit?

19 A No.

20 MR. MURRAY: Objection --

21 MR. BUTLER: I want to interpose
22 an objection to that last question, to form,
23 argumentative, lacks foundation, but the answer
24 stands.

25 Q (By Mr. Leedom) Now, are you aware of the

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 statistical information that indicates that 90
2 percent of smokers, including yourself, began
3 prior to the age of 18 to smoke cigarettes?

4 MR. MURRAY: Objection to form.

5 MR. BUTLER: I object to the
6 form, assumes facts not in evidence, lacks
7 foundation.

8 Q (By Mr. Leedom) Go ahead.

9 A I've heard that statement.

10 Q Do you believe it?

11 A In my own case, yes.

12 Q Do you believe that's a true statement for the
13 general population of users of tobacco products,
14 that 90 percent, approximately, of those users
15 began using those products before the age of 18?

16 MR. MURRAY: Objection to form.

17 MR. BUTLER: Objection to form,
18 lacks foundation, calls for speculation.

19 A I would speculate that the rituals of growing up
20 and becoming adult, whether it be smoking or beer
21 or alcoholic beverages, are in that time frame
22 where kids start experimenting to -- to graduate
23 to adulthood, some, not all, and not everybody
24 that drinks smokes, and vice versa, but that's --
25 I raised three children. You may have children, I

TINY 0001441

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 don't know. But they do, especially the boys,
2 they get into this peer pressure and ritualistic
3 environment, and to be a man, you've got to do
4 this or that.

5 And thank God I didn't succumb to that when I
6 was told by my peers that I needed -- to be a
7 Marine, I needed a tattoo.

8 Q (By Mr. Leedom) Now, do you believe that the
9 tobacco companies and the Tobacco Institute,
10 during this 16-year period, knowing that fact
11 about young people, utilized that knowledge in
12 marketing their products to those people under the
13 age of 18?

14 MR. MURRAY: Objection; it's
15 been asked and answered.

16 MR. BUTLER: Objection; assumes
17 facts not in evidence, it's argumentative, and
18 lacks foundation, calls for speculation.

19 A I have never seen an ad with age lines on it.

20 Q (By Mr. Leedom) What's that mean?

21 A There are the -- this is the accusation -- the
22 accusation of advertising aimed at underage
23 smoking.

24 My response is I don't think that such an ad
25 can be constructed. I think that an ad is aimed

TINY 0001442

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 at product loyalty or "try our product instead of
2 this one," and -- well, any product, and there is
3 some exceptions to this when you get into juvenile
4 clothing, but as far as tobacco ads, I can't see
5 any -- any age marks on it.

6 Q Now, on this subject that we're talking about --
7 that is, the desire of tobacco companies to
8 utilize the knowledge of what youth will do in
9 terms of using the products -- have you ever
10 talked to a legislator about that particular
11 subject, either informally or formally, either at
12 the Best Western Aladdin or on the floor of the
13 committee?

14 MR. BUTLER: Object to the
15 predicate as assuming facts not in evidence.

16 A No. It's always an interesting discussion,
17 however, to debate the effects of advertising on
18 anybody.

19 Q (By Mr. Leedom) Okay. Now, finally, in terms of
20 the nonrenewal of the contract, do you harbor any
21 animosity towards the tobacco industry or the
22 Tobacco Institute as -- with regards to your
23 termination or anything else that happened during
24 the 18 years that you worked for them?

25 MR. MURRAY: Objection; it's way

TINY 0001443

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 beyond the scope.

2 I'm not going to adjourn the deposition. You
3 can answer that if you want to.

4 MR. BUTLER: And I'll object as
5 to form.

6 A Well, I objected to the way they handled the
7 termination. I felt after that many years, that I
8 deserved a better parting of ways.

9 I am going into retirement next year, 40 years
10 of lobbying, and I am tremendously loyal to my
11 clients and I expect loyalty in return. And I
12 don't think that I was treated properly in this
13 termination.

14 So I -- animosity? Yeah, I -- I resent being
15 here today. I don't have a dog in this fight.
16 And I'm not here to defend TI or anything else.
17 I'm here to defend my ethics, my integrity, and my
18 40-year reputation as a lobbyist. And I must
19 suggest to counsel and all of you present, in that
20 business down there, you don't last on anything
21 but your reputation for truth and for being of
22 service and being helpful to the -- to the process
23 of law making.

24 So if you sense, in my deposition, that I'm
25 proud of what I've been doing for 40 years, I am.

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 And if you sense that I'm an honest -- that I
2 shoot straight and try to shoot straight, I do.

3 But I also know that if you would talk -- ask
4 any lobbyist, it's -- they don't feel it's their
5 job to tell the opposition's side of the story, as
6 you wouldn't in a court of law, if you were a
7 plaintiff or a defendant's attorney, tell the
8 other side's story. But what you do tell as a
9 lobbyist, it has to be truthful and honest or it
10 can come back and bite you.

11 When I didn't know the answers to questions, I
12 would tell them that and I will say, "I will look
13 at -- see what I can find out," but this is true
14 of all my clients.

15 Q (By Mr. Leedom) I guess, Mr. Fritz, I'm left with
16 a question of, having heard what you just said,
17 why you didn't feel it was necessary for you to
18 further research and investigate the smoking and
19 health issues, in view of the fact that you were
20 advocating on behalf of the Tobacco Institute?

21 MR. MURRAY: Wait. Objection;
22 asked and answered, in many, many forms over the
23 last four hours.

24 If you have anything new to add, you can do
25 so.

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 MR. BUTLER: I'll object, also;
2 it's beyond the scope.

3 A Going back to what I've said, I didn't have the
4 resources or the motivation.

5 Please understand that representing another
6 client of a consumer product, these are processed
7 fruits, vegetables, and potatoes, there are
8 hazards -- alleged hazards about food additives or
9 alleged additives, about harmful fertilizers.
10 We've just gone through that -- that issue. I am
11 never the expert. I cannot ascertain whether
12 those fertilizers get their way into potatoes. I
13 have to count on experts that are in the client's
14 field, and in this particular case, the Department
15 of Agriculture and their scientists, for
16 information.

17 And again, it's not my obligation to research
18 that. I have to depend on the client to be honest
19 with me.

20 Q But if you're basing your lobbying activities on
21 what's the truth --

22 A Uh-huh. (Witness answers positively.)

23 Q -- why wouldn't you seek out the full and complete
24 truth -- whether or not you communicated it to a
25 legislator is a different issue, but why wouldn't

TINY 0001446

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William J. Fritz, 6/12/98 - by Mr. Leedom

1 you seek out to know the truth of an issue before
2 you represented what that truth is?

3 MR. MURRAY: Objection; asked
4 and answered in the last question, and in some
5 substance over the last several hours.

6 MR. BUTLER: And beyond the
7 scope.

8 MR. MURRAY: If you have
9 anything new to add, you can do so.

10 A I have nothing new to add.

11 MR. LEEDOM: All right. Then
12 that's all I have of the witness for the day.

13 MR. MURRAY: Questions? Thank
14 you.

15 THE VIDEOGRAPHER: This
16 concludes the deposition for today. We are going
17 off the record at 1:28.

18 (Signature reserved.)

19 (Deposition adjourned at
20 1:28 p.m.)

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1 STATE OF WASHINGTON) I, KARMEN M. KNUDSON,
2) ss CCR #KN-UD-SK-M310KT a
County of Pierce) duly authorized Notary
3 Public in and for the
4 State of Washington
residing at Tacoma,
do hereby certify:

5
6 That the foregoing deposition of WILLIAM
J. FRITZ was taken before me and completed on June
7 12, 1998, and thereafter was transcribed under my
direction; that the deposition is a full, true and
8 complete transcript of the testimony of said
witness, including all questions, answers,
9 objections, motions and exceptions;

10 That the witness, before examination, was
by me duly sworn to testify the truth, the whole
11 truth, and nothing but the truth, and that the
witness reserved the right of signature;

12 That I am not a relative, employee,
attorney or counsel of any party to this action or
13 relative or employee of any such attorney or
counsel and that I am not financially interested
14 in the said action or the outcome thereof;

15 That I am herewith securely sealing the
said deposition and promptly delivering the same
16 to Attorney WILLIAM J. LEEDOM.

17 IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my official seal this day
18 of , 1998.

19
20
21 Karmen M. Knudson, CCR, RPR
22 Notary Public in and for the State
23 of Washington, residing at Tacoma.
24
25

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